



LAWS  
OF THE  
STATE OF DELAWARE,

PASSED AT A  
Session of the General Assembly,

COMMENCED AND HELD AT DOVER

ON TUESDAY, JANUARY 4TH, A. D. 1887,

AND IN THE

YEAR OF THE INDEPENDENCE OF THE UNITED STATES  
THE ONE HUNDRED AND ELEVENTH.

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# LAWS OF DELAWARE.

## CONSTITUTIONAL CONVENTION.

### CHAPTER 1.

#### CALLING OF A CONSTITUTIONAL CONVENTION.

AN ACT to provide an unexceptionable mode of ascertaining the sense of the people upon the question of calling a Constitutional Convention.

Constitutional convention.

WHEREAS, The subject of a Convention to revise and amend the Constitution of this State has been agitated among the people; and

Preamble.

WHEREAS, This General Assembly, without expressing any opinion as to the necessity of a Convention, deems it to be right and proper to afford an opportunity to the people to make their sense known by enacting such legislation as will better enable them to declare their will in relation thereto; therefore,

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. On the first Tuesday in November next, a special election shall be held for the purpose of ascertaining the sense of the people of this State upon the question of calling a Convention to change, alter and amend the Constitution of the State. At the said election the citizens of the State entitled to vote for Representatives may have written or printed on their ballots the words "For a Convention," or "Against a Convention." Such ballots may be of any size and form, not exceeding the size now provided by law.

Time of holding special election

Kind of ballot used.

SECTION 2. That at said special election to be held as prescribed in Section 1 of this act, the inspectors and judges chosen in the several hundreds throughout the State to hold

Inspectors and judges.

## CONSTITUTIONAL CONVENTION.

the last general election, shall hold said special election. Any vacancy in the said offices shall be filled in the same manner as now prescribed by law.

Place and manner of holding the special election.

SECTION 3. Said election shall be held at the same places, in the same manner and according to the same regulations, so far as they are applicable to the purpose of this act, as are prescribed concerning the general election, and all votes cast shall be tallied, canvassed and certified at the same times, \* in the same manner, at the same places and by the same persons as is prescribed in the act entitled, "An Act regulating the General Election," and any amendments and supplements thereto, for certificates of the result of the General Election. The certificates shall contain a specific statement of the number of votes cast "For a Convention" and "Against a Convention."

Certificates, where returned.

SECTION 4. The certificates of said election shall be returned to the General Assembly in the same manner, by the same persons and in the same way as the certificates of the election of Governor are now returned.

Duty of the General Assembly.

SECTION 5. The General Assembly, to whom the said certificates have been delivered, shall, on the second Wednesday after its organization, meet in joint session in the hall of the House of Representatives and ascertain the result of the vote cast upon the calling of a Convention; and, if it shall appear from the certificates so returned as aforesaid, that a majority of all the citizens in the State, having \* right to vote for Representatives, have voted for a Convention, such majority to be ascertained by reference to the highest number of votes cast in the State at any one of the three general elections next preceding the day of voting for a Convention, except when they may be less than the whole number of votes voted both for and against a Convention, in which case the said majority to be ascertained by reference to the number of votes given on the day of voting for or against a Convention shall call a Convention and provide by law for the holding of an election for delegates to said Convention.

Duty of the Sheriff and other officers.

SECTION 6. It shall be the duty of the sheriffs or other officers to whom the ballot-boxes used at said election are delivered according to law, to keep the said boxes and the ballots therein contained safely until after the meeting of the General Assembly next after the said election, and to hold the said boxes with the ballots therein, subject to the order of said General Assembly.

*Passed at Dover, April 6, 1887.*

\*So enrolled.

## OF PASSING AND PUBLISHING LAWS.

## CHAPTER 2.

## OF THE PASSING AND PUBLICATION OF LAWS.

## AN ACT to Revive and Extend the Time of Recording Private Acts.

WHEREAS, by Chapter 4 of Section 3 of the Revised <sup>Preamble.</sup> Statutes of the State of Delaware it is provided that private statutes (namely, such as are not of a public nature or published as such) shall be recorded in the Recorder's office in one of the counties of this State within twelve months after their passage or they will be void; and,

WHEREAS, a number of the private and unpublished acts heretofore passed have been allowed to become void through ignorance of the aforesaid enactment, therefore for the purpose of relieving the parties interested of the embarrassments and disappointments arising from such neglect in the premises; therefore,

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch concurring therein):*

SECTION 1. That all unpublished acts heretofore passed which have not by special acts been repealed, and that have become void on account of not being duly recorded in compliance with the provisions aforesaid, be and the same are hereby severally renewed and re-enacted and together with the provisions therein contained are respectively declared to be in full force, and all acts and transactions done and performed under the provisions of said acts respectively shall have the same force and effect, and be as valid to all intents and purposes as if the said acts had been severally recorded according to law. <sup>Time for recording private acts extended.</sup> *Provided*, that this enactment shall not take effect in the case of any act that has become void as aforesaid until a certified copy thereof procured of the Secretary of State shall be duly recorded in the Recorder's Office of one of the counties of this State; <sup>Proviso.</sup> *and provided* <sup>further</sup> *that no such copy of a voided act shall be received* <sup>further</sup> *for record after the expiration of one year from the passage of this act.* <sup>Proviso.</sup>

SECTION 2. This act shall be deemed and taken to be a Public act. public act and be published as such.

*Passed at Dover, April 21, 1887.*

## TITLE FIRST.

Of the Public Revenue and the Assessment, Collection  
and Appropriation of Taxes.

## CHAPTER 3.

OF THE REVENUE OF THE STATE.

AN ACT to Provide a Mode for the Refunding of a Part of the Public  
Debt of this State at a Lower Rate of Interest.

**Preamble.** WHEREAS, it is apparent that the revenues of the State will be insufficient to provide the means for payment, at maturity, of the whole of that part of the public debt of this State represented by the three hundred bonds, of one thousand dollars each, designated as Series "B," by the act passed March 16, 1881, under authority of which they were issued, and

**Further preamble.** WHEREAS, in view of the low rates of interest now prevailing on the public obligations of States whose public faith and credit have been maintained inviolate, it is considered probable that this State may negotiate a loan at the rate of interest of three per centum per annum; and it is therefore deemed judicious to provide a method for refunding two hundred and fifty (250) of the bonds of said Series "B" at the rate of three per centum interest per annum, so that the necessary authority may exist to effect such refunding in the event it shall prove practicable to do so; therefore,

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, as follows:*

**Proposal for loan.** SECTION 1. That if any individual, firm, or corporation shall, on or before the twenty-fifth day of May, A. D. 1887, signify in writing to the State Treasurer a willingness and purpose to loan to the State the sum of two hundred and fifty thousand dollars at a rate of interest of three per centum; and shall also accompany such written signification

## OF THE REVENUE OF THE STATE.

with a certified check for the sum of five thousand dollars to the order of the State Treasurer as an earnest of the *bona fides* of such purpose and intention; and shall, also, on the said twenty-fifth day of May, A. D., 1887, and before the hour of three o'clock P. M., on that day deposit with the said State Treasurer at his office in the town of Dover the further sum of two hundred and forty-five thousand dollars, either in cash or a check or checks duly certified, the said sum shall be received and accepted as a loan to the State of Delaware at the rate of three per centum per annum; and such loan shall be secured, principal and interest, by the bonds of the State, to be prepared, issued and delivered to the party so loaning the said sum, in the manner and subject to the condition hereinafter prescribed.

SECTION 2. Immediately after the whole of said sum of two hundred and fifty thousand dollars shall have been received by the said State Treasurer as provided by the preceding Section, it shall be and is hereby expressly made his duty forthwith to cause to be prepared two hundred and fifty bonds of the State of Delaware of the denomination of one thousand dollars each with coupons or interest warrants thereto attached for each half year's interest thereon. The said bonds shall be numbered from 1 to 250 inclusive, shall be dated the first day of June, A. D. 1887, and shall bear interest from and after that date at the rate of three per centum per annum, payable semi-annually on the first days of June and December in each and every year while they remain unpaid, at the Philadelphia National Bank, in the city of Philadelphia, on presentation of the coupon representing such semi-annual instalment of interest. The principal of the said bonds shall be payable on the first day of June, A. D. 1907, at the said Philadelphia National Bank on presentation and surrender of the said bonds, but the same or any part thereof may be redeemed at the option of the State on any first day of June or first day of December in or after the year A. D. 1897, upon thirty days' notice published in one newspaper in the city of Philadelphia and one newspaper in the State of Delaware, indicating by their numbers the bonds thereby called and elected to be redeemed. *Provided, however,* that in every call or calls so to be made by the said State Treasurer the bonds lowest in number shall be first called. The said bonds shall each be signed by the Governor, Secretary of State and State Treasurer on behalf of the State, and shall have the Great Seal impressed thereon or affixed thereto. The signature of the State Treasurer shall be engraved or printed on

Guarantee.

Payment of whole amount, when and how made.

Preparation of State bonds by State Treasurer.

Denomination and character of bonds.

Date of bonds. Rate of interest.

When and where payable.

Redemption, when made.

Notice given of calling in of bonds, how made.

How signed and executed.

## OF THE REVENUE OF THE STATE.

each coupon, and the coupons attached to each bond shall be consecutively numbered from 1 to 40 inclusive.

SECTION 3. The said bonds authorized to be issued by this act, shall be in the following form, to wit:

Form of  
bond.

UNITED STATES OF AMERICA,  
STATE OF DELAWARE.

No.

Loan of 1887.

These presents certify and make known that the State of Delaware is held and firmly bound unto the bearer in the sum of one thousand dollars lawful money of the United States of America, which the said State promises and binds itself to pay to the bearer at "The Philadelphia National Bank," in the city of Philadelphia, on the first day of June, A. D. 1907, with interest at the rate of three per centum per annum, likewise payable at the said "The Philadelphia National Bank" on the first days of June and December in each and every year whilst the said principal sum remains unpaid, on the presentation of the coupon hereto annexed representing such semi-annual instalment of interest. *Provided, however,* and it is expressly stipulated, that the said State reserves the right and power at its option to call in, pay and redeem this bond on any first day of June or December in or after the year A. D. 1897, pursuant to the notice in that behalf prescribed by act of Assembly under authority of which this bond is issued: *And provided further,* that when this bond shall be called by the notice aforesaid, interest thereon shall cease to accrue from and after the first day of June or December (as the case may be) next succeeding the date of such notice.

Dated at Dover, the first day of June, A. D. 1887.

Witness the Great Seal of the said State and  
[GREAT SEAL.] the hands of the Governor, Secretary of  
State and State Treasurer, the day and  
year aforesaid.

\_\_\_\_\_, Governor,  
\_\_\_\_\_, Secretary of State,  
\_\_\_\_\_, State Treasurer.

And the coupon shall be in the following form, to wit:

"No. \_\_\_\_\_,"

"The State of Delaware will pay to bearer at the Philadelphia National Bank, in the City of Philadelphia, on the first day of \_\_\_\_\_ A. D. \_\_\_\_\_, the sum of fifteen dollars for six months interest on bond No. \_\_\_\_\_, loan of 1887, dated June 1, 1887.

\_\_\_\_\_, State Treasurer."

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As soon as the said bonds shall have been signed and sealed as by this act authorized, the State Treasurer shall forthwith deliver the same to the party who shall have deposited with him the said sum of two hundred and fifty thousand dollars, taking his receipt therefor, and shall deliver such receipt to the Secretary of State to be recorded in the official register and filed in his office. It shall also be the duty of the State Treasurer to provide a record of proper size and proportions, to be retained in his office, so ruled as to afford a separate space for each coupon and a space at the top of each page of said record for each bond when paid or redeemed, and each space at the top of said record shall bear the same number as the bond, a record whereof is intended to be therein preserved. As the said coupons are paid, it shall be the duty of the State Treasurer to mark the same in red ink across the face "paid," cut each of them in two lengthwise, and paste the pieces in the appropriate space for such coupon in the record aforesaid; and, as the said bonds shall be paid or redeemed, the State Treasurer shall cause the same to be cancelled by making lines with red ink through the signatures of the Governor, Secretary of State and State Treasurer, and also by writing across the face thereof, in red ink, the following words: "This bond paid (or redeemed as the case may be) this ——— day of ——— A. D. ———, by the payment of the sum of \$1,000 principal and ——— dollars interest represented by coupon No. ——— by ———, State Treasurer."

Delivery of  
bonds by  
the State  
Treasurer  
to successful  
bidder.

Record of  
State  
Treasurer.

Cancelling  
of coupons.

Bonds, how  
and when  
cancelled.

And all coupons unmatured and surrendered with each bond redeemed shall each likewise be endorsed "Cancelled by the redemption of bond No. ———" in red ink. When paid or redeemed the said bonds shall be pasted in the appropriate spaces in the record aforesaid, and all coupons paid or surrendered shall likewise be pasted in their appropriate space in such record.

Pasting of  
cancelled  
bonds and  
coupons in  
proper  
record.

SECTION 4. In case more than one person, firm, or corporation shall signify a willingness and purpose to make the loan to the State by this act invited and authorized, and shall accompany such signification by a deposit of five thousand dollars, as provided by Section 1 of this act, the party whose written signification and deposit shall be first delivered after the passage of this act to the State Treasurer, shall have preference and priority, and shall, upon making the further deposit on the twenty-fifth day of May, A. D. 1887, and not otherwise, be entitled to receive the whole of the bonds authorized by

In case of  
like bids  
how award  
shall be  
made.



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this act to be issued. But if the party who would otherwise be entitled to such preference and priority shall fail to make the deposit of two hundred and forty-five thousand dollars as required by Section 1 of this act, the sum of five thousand dollars so deposited by him shall be absolutely forfeited to the State for and on account of such default. The State Treasurer shall, immediately on receiving any written signification of willingness to make the loan by this act invited and authorized, accompanied by the deposit of five thousand dollars, give to the party so signifying and depositing an acknowledgment in writing, under his hand as State Treasurer, of the fact of the receipt by him of such signification and deposit and stating therein, as to the party making the first signification and deposit, that it is the first received by him, and that such party will, on making the further deposit of two hundred and forty-five thousand dollars, be entitled to receive the whole of the bonds authorized to be issued by this act. When such party shall have made the whole deposit of two hundred and fifty thousand dollars, the State Treasurer shall give such party an acknowledgment therefor in the following form:

Upon failure or non-compliance with the requirements of this act, the sum of five thousand dollars so deposited by him shall be absolutely forfeited to the State.  
 Duty of State Treasurer upon receipt of application.  
 State Treasurer shall give receipt.

STATE TREASURER'S OFFICE, STATE OF DELAWARE,  
 DOVER, DEL., May 25, 1887.

I, \_\_\_\_\_, State Treasurer of the State of Delaware, do hereby certify that I have received on behalf of the said State from \_\_\_\_\_, of \_\_\_\_\_, the sum of *Two Hundred and Fifty Thousand Dollars*, loaned to the said State pursuant to the provisions of the act of \_\_\_\_\_ A. D., 1887, and to secure the said loan the bonds of the said State to the said amount to be dated June 1st, 1887, and to bear interest from and after that date at the rate of three per centum per annum, as provided for by said act will be delivered to the said \_\_\_\_\_ as soon as they can be prepared and executed in accordance with the terms of the said act.

\_\_\_\_\_, *State Treasurer.*

SECTION 5. That the public faith is hereby expressly pledged for the full and complete payment of the loan, principal and interest, by this act invited and authorized, and the bonds hereby authorized to be issued to secure the same; and that the said bond shall be exempt from taxation by this State for any purpose, and the State Treasurer is hereby authorized and directed to cause all blanks in the forms of the said bonds and coupons hereinbefore prescribed to be appropriately filled.

Public faith pledged.

Bonds exempt from taxation.

## OF THE REVENUE OF THE STATE.

SECTION 6. That the said sum of two hundred and fifty thousand dollars to be received under the provisions of this act be, and the same is hereby specially pledged and appropriated to the payment of the like sum of the present bonded debt of this State, evidenced by two hundred and fifty bonds from numbers 1 to 250 inclusive of Series "B," issued pursuant to the provisions of the act entitled "An act to provide for the refunding of the present bonded debt of this State at a lower rate of interest, passed at Dover, March 16th, 1881," and as soon as the said moneys shall be received by the State Treasurer he shall forthwith give notice in accordance with the requirements of Section 4 of the act last aforesaid, that the State elects to redeem two hundred and fifty of the bonds of said Series "B" from number 1 to 250 inclusive and that the same will be redeemed on the first day of July, A. D. 1887, on presentation at the Philadelphia National Bank in the city of Philadelphia, and that interest thereon will cease to accrue after the said first day of July, A. D. 1887.

How to be appropriated.

Notice by State Treasurer of the redemption of certain bonds.

SECTION 7. That all expenses of preparing, issuing and delivering the bonds by this act authorized, and of advertising the calls for the redemption of the bonds of Series "B" authorized to be redeemed, shall be allowed to the State Treasurer, and paid out of any unappropriated money in the Treasury, he producing and exhibiting the necessary vouchers therefor as by law required with reference to other disbursements of the public funds; and further that the Secretary of State and State Treasurer shall respectively receive such compensation for the service to be rendered and performed by them under this act as shall be allowed by the Legislative Committee at its session in January 1888, and said committee is hereby expressly authorized to make such allowances, and to draw drafts on the Treasurer accordingly.

Expenses, how paid.

Compensation for services, how paid.

*Passed at Dover, March 15th, 1887.*

## OF THE REVENUE OF THE STATE.

## CHAPTER 4.

## OF THE REVENUE OF THE STATE.

A Further Additional Supplement to the act entitled "An Act in Relation to Oysters" South of Mispillion Creek.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, as follows:*

Unlawful to plant oysters within the following limits.

SECTION 1. That from and after the passage of this act it shall be unlawful for any person to lay out or plant oysters within the following limits in Delaware Bay: Beginning at the mouth of Mispillion Creek and running in an easterly course to West Flats, thence south to Cape Henlopen, thence a westerly\* to the beach, except as is hereinafter provided.

Bona fide citizens may, in limits defined, appropriate not more than fifty or less than twenty-five acres for the purpose of planting, &c.

SECTION 2. Any person or persons, who are *bona fide* citizens of the State of Delaware, may, for the purpose of planting oysters and catching the same by means of dredges, tongs or rakes, appropriate to his or their own use a part of the bottom of the bay, within the limits defined in Section 1 of this act, which shall not exceed in area more than fifty acres nor less than twenty-five acres, which part shall be designated by him or them by stakes to show at least two feet above high water mark and not be obstruction to navigation or interfere with the rights of fishermen. It shall be the possession of the planter or planters and the oysters to be deposited therein and their increase shall be his or their private property; but before any person shall avail himself of this privilege, he shall apply in writing to the Collector of the Oyster Revenue for a license for that purpose, and shall pay to the said Collector the sum of fifty cents per acre for each and every acre to be by him or them staked off for the purpose aforesaid, and also the sum of one dollar per ton (Custom House measurement) for the vessel employed in the business of dredging or planting, and shall also pay to the said Collector, as the fee or price therefor for the privilege of dredging or tonging said oysters, the sum of five dollars for each and every boat and pair of tongs used in said boat, and the said tongs shall have painted on them a number corresponding with said boat's number, and no more shall be demanded for the use of said tongs by whomsoever used. The said license shall last only one year and must be renewed by the first day of April of each year and the like sum be paid at the time of each renewal.

Must apply in writing to Collector for a license

Parties applying shall pay fifty cents per acre for each acre staked off and one dollar per ton for the vessel used and the sum of five dollars for the purpose of tonging.

Tongs shall correspond in number with the boat.

\*So enrolled.

## OF THE REVENUE OF THE STATE.

SECTION 3. That if any person or persons shall take and carry away from the area or plantation of another, so as aforesaid appropriated to his use, any oysters being within the limits thereof, without the consent of the owners thereof, he shall be deemed guilty of larceny and upon conviction thereof be punished accordingly, and it shall be no objection to a prosecution for larceny in such a case that the act was done openly. In addition to the said punishment there shall be imposed a fine of one hundred dollars, one-half to be given to the informer and the other half to the owner or owners aforesaid.

Taking  
oysters  
larceny.

SECTION 4. Any person violating the provisions of Section one of this act shall be deemed guilty of a misdemeanor and on conviction thereof, before any justice of the peace of Sussex county, shall be fined for each offense the sum of one hundred dollars and shall forfeit all oysters planted by him or them, the vessel used by him or them in the planting of said oysters, and all and everything in and belonging to her; the one-half of said fine shall be paid to the informer and the other half to the Collector of Oyster Revenue.

The violat  
ing of Sec  
tion 1 a mis  
demeanor.

Conviction  
to work a  
forfeiture

SECTION 5. That when an affidavit is filed before said justice charging that a violation of this statute has been committed by any one and setting forth a description of the boat or vessel used by him or them so charged, the said justice shall issue a warrant, directed to any constable of said county, authorizing him to arrest the person or persons therein charged and also to seize and hold said boat or vessel and all and everything in and belonging to her until the final order of the justice of the peace in the premises.

Justice  
shall issue  
warrant  
upon affi-  
davit filed  
before him.

SECTION 6. That upon such conviction, the said justice of the peace shall have the power and authority to commit any one so offending to the jail of Sussex county until said fine and costs are paid, and also to issue an order to any constable of said county, empowering and directing him to seize and sell said boat or vessel used by such offender in the planting of oysters in the waters aforesaid, or catching or carrying away the same without the consent of the owner thereof, and all and everything in and belonging to her, on ten days notice, posted in two of the most public places in each of the hundreds of Cedar Creek, Broadkilm, Lewes and Rehoboth, and that such sale shall convey to the purchaser or purchasers of said boat or vessel and all and everything belonging to her, a good and valid title thereto.

Power of  
the justice.

Notice of  
sale how  
given.

SECTION 7. That the proceeds of said sale so as aforesaid

## OF THE REVENUE OF THE STATE.

Money collected to be paid to the County Treasurer of Sussex county. *Appeal to the Court of General Sessions.*

made by the constable, after deducting the costs, which shall be retained by said officer and paid to the parties entitled, shall be paid over to the County Treasurer of Sussex county. *Provided*, that the parties defendant may appeal to the Court of General Sessions of the Peace and Jail Delivery within ten days from the time when judgment was rendered, upon giving bond to the State with security to be approved by the justice of the peace, in a sum double the amount of the fine imposed and the value of the property seized by the constable, conditioned that if the said appeal shall be prosecuted with effect then the same shall be void, otherwise to be in full force and effect. The proceedings shall be in the name of the State of Delaware, and upon the docketing of the appeal in the Court of General Sessions of the Peace and Jail Delivery the Attorney General shall answer to the appeal and conduct the case for the State.

*Attorney General shall appear for the State.*

*Owners and agents authorized to make arrests.*

SECTION 8. That the owner or owners of the plantation prescribed and authorized within the limits set forth in Section one of this act and all persons deputed by him or them as his or their agents shall have the right and are hereby clothed with full power and authority to make arrests for any violation of the provisions of this act, as duly constituted officers of the Laws of Delaware, and their acts and doings as such shall be respected as legal and valid.

*Passed at Dover, March 7, 1887.*

## CHAPTER 5.

## OF THE REVENUE OF THE STATE.

## AN ACT in Relation to Oysters.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, as follows:*

*Oyster plantation shall be the possession of the planter provided they pay the prescribed rent.*

SECTION 1. All oyster plantations not exceeding fifty acres occupied and used by boats or vessels of over nine tons (Custom House measurement) and all plantations not exceeding thirty acres occupied and used by boats of the tonnage of nine tons (Custom House measurement) and

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under, heretofore made in the Delaware Bay, shall be deemed and taken to be the possession of the respective planters and the oysters deposited or to be deposited in such plantations and their increase shall be the private property of the said planters. *Provided*, and upon the condition that the said planters shall pay annually by the first day of April, the first payment to be made the first day of April, A. D. 1887, to the Collector of the oyster revenue, to be appointed as hereinafter provided, the sum of twenty-five dollars as rent for the ground so held by him or them and used by boats or vessels over nine tons (Custom House measurement) and the sum of fifteen dollars as rent for the ground so held by him or them and used by boats or vessels of nine tons and under (Custom House measurement), and the further sum of three dollars per ton (Custom House measurement) for the boat or vessel to be used in the business of working the said plantations. Failure to pay such rent and license fee by the time above mentioned shall be a forfeiture of all the rights hereby secured. The said plantations shall be designated by stakes as provided in the next section for new plantations, and the oysters within them shall be protected as hereinafter provided. This privilege shall end with the year expiring the last day of March, A. D. 1888, unless renewed as in the case of a new plantation; and, as a condition of its enjoyment, the parties interested must, before the first day of April, A. D. 1887, take out a license as hereinafter provided. The different plantations shall be treated as numbered in the order which license to plant are issued under this act, and the boat or vessel used in the business of planting shall wear that number painted in black at least eighteen inches long in the middle of her mainsail one-third of the distance below the head thereof. *Provided, however*, that where more parts than one (but not exceeding in the whole fifty acres or thirty acres as the case may be) are appropriated by one person they shall bear the same number; and that number only shall be necessary for designation of the boat or vessel; and every plantation shall be designated as soon as appropriated by the number of the license under which it is occupied, attached in some proper form to each corner of the plantations, the figures to be not less than ten inches in length, the expenses of which shall be born by the planters; and the boat or vessel used in the business of dredging for oysters only on the natural beds of this State under the licenses authorized by this act, shall wear, in the middle of her mainsail, one-third of the way from the head thereof, a Roman letter painted in

and the ton-  
nage rate.

The planta-  
tion shall be  
designated by  
stakes.

How the  
different  
plantations  
are to be  
treated.

Vessel to be  
numbered.

Plantation  
to be design-  
ated.

Boat or ves-  
sel engaged  
in dredging  
on natural  
oyster beds  
how desig-  
nated.

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black, eighteen inches long, to be designated in the license, and to be in orderly succession from the beginning of the alphabet.

SECTION 2. Any person or persons may appropriate to his or their own use a part not exceeding fifty acres for boats or vessels to be used by him or them of a larger tonnage than nine tons (Custom House measurement), and a part not exceeding thirty acres for boats or vessels to be used by him or them of nine tons and under (Custom House measurement), of the bottom of the Delaware Bay, south of Mahon River and west of Blake's channel, and embraced and lying between the two following parallel lines, to wit: one drawn due east from Mahon River light-house and the other due east from a point in the shore at ordinary high water mark two miles south of the middle of the mouth of Murderkill Creek, saving and excepting, however, that part of the bottom of the Delaware Bay lying between the two aforesaid parallel lines and extending three hundred yards into the bay from the ordinary low water mark, unless the same be then appropriated according to law, which part shall be designated by him or them by stakes not more than fifty yards apart, to show at least two feet above the ordinary high water and not be obstructive of navigation; it shall be the possession of the planter or planters, and the oysters to be deposited therein and their increase shall be their private property. But before any one shall avail himself of this privilege he shall apply in writing to the said Collector for a license for that purpose and pay to the said Collector the sum of twenty-five dollars as the fee or price thereof for boats or vessels to be used by him or them of a larger tonnage than nine tons (Custom House measurement) and the sum of fifteen dollars as the fee or price thereof for boats or vessels used by him or them of nine tons and under (Custom House measurement) and also the sum of three dollars per ton (Custom House measurement) for the boat or vessel to be employed in the business of planting if he be a resident of this State and two dollars per ton, (Custom House measurement), if he be a non-resident of this State; the said license shall last only until the first day of April following the date thereof, and must be renewed by the first day of April of each year, and the like sum be paid at the time of each renewal, *provided*, that nothing in this act contained shall be construed to authorize the appropriation by any one person of so many parts as shall exceed in the aggregate fifty acres for boats or vessels over nine tons, (Custom House measurement), and

May appropriate that part of the bay south of Mahon River and west of Blake's channel between the following parallel lines: One drawn due east from Mahon River Light House, the other due east from a point in the shore at ordinary high water mark two miles south of the middle of the mouth of Murderkill Creek. Saving clause.

License shall be obtained.

Time when license shall expire for boats over nine tons Custom House measurement plantations shall not exceed fifty acres, for

## OF THE REVENUE OF THE STATE.

thirty acres for boats or vessels of nine tons, (Custom House measurement); the privileges granted by this and the first section shall not embrace any portion of the bottom of the bay which is a natural oyster bed and has been hitherto used or worked as such, nor shall be extended beyond the mere right to plant oysters and hold them as property.

boats of nine tons plantations shall not exceed thirty acres. Non-residents shall not dredge upon the natural beds.

SECTION 3. No person who is not at the time a *bona fide* resident of this State, and shall have been such *bona fide* resident continuously for at least six months, and the vessel used by him at least one-half part thereof be *bona fide* owned by *bona fide* residents of this State, and wholly manned by *bona fide* residents (all of which said *bona fide* residents shall have lived and resided in this State as such *bona fide* residents continuously for at least six months prior to the time of making application for the certificate hereinafter mentioned), shall dredge for oysters or otherwise take the same up from any natural oyster bed of this State. But any *bona fide* resident of this State as aforesaid, and using a boat or vessel one-half of which at least is owned by *bona fide* residents of this State as aforesaid, and wholly manned by *bona fide* residents of this State as aforesaid, desiring to avail himself of the privileges of dredging for oysters or otherwise taking them up from any of the natural oyster beds of this State, for planting or other purposes, shall first procure from the Collector aforesaid, a certificate under his hand, stating that he has complied with the provisions of the law in that behalf; and in order to obtain such certificate, the owner or one of the owners (if more than one) of any such boat or vessel shall file with the Collector a written application, stating the name of the boat or vessel, the name of the owner or owners, (if more than one), and the place or places of residence, (if living in a city, the street and number must be given) of such owner or owners, and the shares in which such owners own the same, and the duration of residence in this State of the resident owners of at least one-half of said boat or vessel, and shall verify such statement by his oath or affirmation, which the said collector is hereby authorized to administer. The owner so applying, shall file at the same \* a written statement of the crew and master of such boat or vessel, showing the names and places of residences \* of each of the said crew and master of such boat or vessel, and the duration of residence in this State of the captain or master of said boat or vessel, and of each of said crew, (and the street and number of their residence if in a city) which

*Bona fide* residents of the State for a period of 6 months prior to the passage of this act where vessel is one-half owned by *bona fide* residents & and wholly manned by *bona fide* residents can dredge upon the natural oyster beds.

*Bona fide* resident shall procure a certificate.

Written application shall be filed.

Written statement must be filed.

Master and crew shall make oath or affirmation.

2 \*So enrolled.



## OF THE REVENUE OF THE STATE.

When the  
collector  
shall issue a  
certificate.

shall also be verified by the oath or affirmation of the captains or master and each of the said crew respectively; which the said Collector is also hereby authorized to administer. If it appears by such application or statement that at least one-half part of the said boat or vessel is *bona fide* owned by a *bona fide* resident or residents of this State as aforesaid, and is wholly manned by a crew all of whom are *bona fide* residents of this State as aforesaid, and have been such *bona fide* residents continuously for at least six months prior to the time of making such statement, the said Collector shall issue and deliver to the master of such boat or vessel a certificate, unless the said Collector shall have good grounds to believe that the statements made by any such owner or owners, or any of the crew are untrue; and in such case, the said Collector may refuse to issue such certificate until he shall have had a reasonable time to inquire into the truth or falsity of said statement, and if upon such inquiry the said Collector shall be satisfied of the truth of such statement, he shall thereupon issue such certificate; but if he shall be satisfied upon due inquiry that any of said statement is false, he may refuse to issue such certificate. The certificate may be according to the following form:

Form of cer-  
tificate used  
by collector.

This is to certify that the owner of the vessel called \_\_\_\_\_ having fully complied with the provisions of law in that behalf, the said vessel is allowed and permitted to be used and employed in dredging on any of the natural oyster beds within the waters of this State, excepting the portions reserved by law for tonging purposes during the period by law prescribed for dredging; but the permission hereby conferred shall instantly cease and terminate whenever less than one-half part of said vessel shall be *bona fide* owned by *bona fide* residents of this State, or whenever said vessel shall not be manned by a crew wholly composed of *bona fide* residents of this State.

Given under my hand at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_  
188 .

\_\_\_\_\_ Collector of Oyster Revenue.

When certi-  
cate shall be  
forfeited.

Whenever such boat or vessel shall not be wholly manned by *bona fide* residents of this State as aforesaid, for at least six months, or at any time less than one-half part thereof shall be owned by *bona fide* residents of this State as aforesaid, thereupon all privileges conferred by said certificate shall immediately cease and terminate, and the license hereinafter provided for shall be forfeited and become null and void.

## OF THE REVENUE OF THE STATE.

When such certificate shall be issued as aforesaid, the captain or master of the boat or vessel to be employed in the business of dredging upon any of the natural oyster beds of this State, before exercising the privilege of dredging as aforesaid he shall obtain from the said Collector a license. The fee for license to dredge on the natural beds shall be <sup>Fee for li-</sup> three dollars per ton (Custom House measurement) for the <sup>cense.</sup> boat or vessel to be employed in the business; to be demanded by and paid to the aforesaid Collector before the said license is delivered, but such license shall not be taken to authorize the planting of oysters nor of dredging for oysters on any of the natural oyster beds only in the months of April, May <sup>When</sup> and June of the year in which said certificate and license <sup>dredging</sup> were issued; the said license and any license under this act <sup>can be had</sup> may be demanded at any time for inspection by the Collector <sup>on the natu-</sup> aforesaid, or the person then in command of the watch boat <sup>ral oyster</sup> hereinafter mentioned, and failure to produce it shall be <sup>beds.</sup> evidence that it does not exist. <sup>License sub-</sup> *Provided*, that nothing <sup>ject to in-</sup> contained in this section shall be so deemed or construed as <sup>spection.</sup> to require a regular licensed planter who is a resident of this State as aforesaid, and using a boat or vessel one-half of which at least is *bona fide* owned by *bona fide* residents of this State as aforesaid, and manned by a crew who are all *bona fide* residents of this State as aforesaid, to take out a license to dredge on the natural oyster beds of this State, but such regular licensed resident planter as aforesaid shall be required to obtain the certificate mentioned in this section, and such certificate alone obtained shall confer upon such regular licensed resident planter of this State the right to dredge upon the natural oyster beds of this State during the months of April, May and June, only in the year in which said certificate is issued. Any person who shall swear falsely <sup>When</sup> in making any of the oaths or affirmations required by this <sup>guil-</sup> section, shall be guilty of wilful perjury, and shall be prose- <sup>ty of per-</sup> cuted and punished accordingly. <sup>jury.</sup>

SECTION 4. That no person or persons shall dredge for <sup>Owner's</sup> or otherwise take up any oysters from the plantation of <sup>consent</sup> another without the consent of the person or persons owning <sup>necessary to</sup> said plantation. <sup>dredge upon</sup> <sup>his planta-</sup> <sup>tion.</sup>

SECTION 5. It shall be unlawful for any person or persons <sup>Unlawful to</sup> whomsoever, having no license to dredge for oysters on any <sup>dredge</sup> of the natural oyster beds of this State or having no license to <sup>without a</sup> plant oysters, to dredge for any oysters from any of the natural <sup>license upon</sup> oyster beds of this State. And it shall be unlawful for any <sup>the natural</sup> <sup>beds.</sup>

## OF THE REVENUE OF THE STATE.

shall also be verified by the oath or affirmation of the captains or master and each of the said crew respectively; which the said Collector is also hereby authorized to administer. If it appears by such application or statement that at least one-half part of the said boat or vessel is *bona fide* owned by a *bona fide* resident or residents of this State as aforesaid, and is wholly manned by a crew all of whom are *bona fide* residents of this State as aforesaid, and have been such *bona fide* residents continuously for at least six months prior to the time of making such statement, the said Collector shall issue and deliver to the master of such boat or vessel a certificate, unless the said Collector shall have good grounds to believe that the statements made by any such owner or owners, or any of the crew are untrue; and in such case, the said Collector may refuse to issue such certificate until he shall have had a reasonable time to inquire into the truth or falsity of said statement, and if upon such inquiry the said Collector shall be satisfied of the truth of such statement, he shall thereupon issue such certificate; but if he shall be satisfied upon due inquiry that any of said statement is false, he may refuse to issue such certificate. The certificate may be according to the following form:

When the collector shall issue a certificate.

Form of certificate used by collector.

This is to certify that the owner of the vessel called ——— having fully complied with the provisions of law in that behalf, the said vessel is allowed and permitted to be used and employed in dredging on any of the natural oyster beds within the waters of this State, excepting the portions reserved by law for tonging purposes during the period by law prescribed for dredging; but the permission hereby conferred shall instantly cease and terminate whenever less than one-half part of said vessel shall be *bona fide* owned by *bona fide* residents of this State, or whenever said vessel shall not be manned by a crew wholly composed of *bona fide* residents of this State.

Given under my hand at ——— this ——— day of ——— 188 .

———— Collector of Oyster Revenue.

When certificate shall be forfeited.

Whenever such boat or vessel shall not be wholly manned by *bona fide* residents of this State as aforesaid, for at least six months, or at any time less than one-half part thereof shall be owned by *bona fide* residents of this State as aforesaid, thereupon all privileges conferred by said certificate shall immediately cease and terminate, and the license hereinafter provided for shall be forfeited and become null and void.

## OF THE REVENUE OF THE STATE.

When such certificate shall be issued as aforesaid, the captain or master of the boat or vessel to be employed in the business of dredging upon any of the natural oyster beds of this State, before exercising the privilege of dredging as aforesaid he shall obtain from the said Collector a license. The fee for license to dredge on the natural beds shall be three dollars per ton (Custom House measurement) for the boat or vessel to be employed in the business; to be demanded by and paid to the aforesaid Collector before the said license is delivered, but such license shall not be taken to authorize the planting of oysters nor of dredging for oysters on any of the natural oyster beds only in the months of April, May and June of the year in which said certificate and license were issued; the said license and any license under this act may be demanded at any time for inspection by the Collector aforesaid, or the person then in command of the watch boat hereinafter mentioned, and failure to produce it shall be evidence that it does not exist. *Provided*, that nothing contained in this section shall be so deemed or construed as to require a regular licensed planter who is a resident of this State as aforesaid, and using a boat or vessel one-half of which at least is *bona fide* owned by *bona fide* residents of this State as aforesaid, and manned by a crew who are all *bona fide* residents of this State as aforesaid, to take out a license to dredge on the natural oyster beds of this State, but such regular licensed resident planter as aforesaid shall be required to obtain the certificate mentioned in this section, and such certificate alone obtained shall confer upon such regular licensed resident planter of this State the right to dredge upon the natural oyster beds of this State during the months of April, May and June, only in the year in which said certificate is issued. Any person who shall swear falsely in making any of the oaths or affirmations required by this section, shall be guilty of wilful perjury, and shall be prosecuted and punished accordingly.

Fee for license.

When dredging can be had on the natural oyster beds. License subject to inspection.

Exception.

When guilty of perjury.

SECTION 4. That no person or persons shall dredge for or otherwise take up any oysters from the plantation of another without the consent of the person or persons owning said plantation.

Owner's consent necessary to dredge upon his plantation.

SECTION 5. It shall be unlawful for any person or persons whomsoever, having no license to dredge for oysters on any of the natural oyster beds of this State or having no license to plant oysters, to dredge for any oysters from any of the natural oyster beds of this State. And it shall be unlawful for any

Unlawful to dredge without a license upon the natural beds.

## OF THE REVENUE OF THE STATE.

Having a license unlawful to dredge upon natural beds except during months of April, May and June.

Lawful to dredge when.

Unlawful to dredge when.

Signal for commencing work, how displayed.

Signal for retiring, how displayed.

person or persons having a license to dredge for oysters on any of the natural oyster beds of this State or being a resident planter and having a license to plant oysters and having the proper certificate as hereinbefore required to dredge for or otherwise to catch or take up any oysters from the natural oyster beds of this State at any time excepting during the months of April, May and June of the year in which such certificate and license were issued; and it shall be unlawful for any person or persons whomsoever to dredge for or otherwise catch or take up oysters either on their own plantation or on the natural oyster beds of this State at any time after sunset and before sunrise or on the Lord's day commonly called Sunday; and it shall be unlawful for any licensed planter of oysters to dredge for or otherwise catch or take any oysters from his own plantation during the months of July and August of any year. And it shall be unlawful for any boat or vessel used in virtue of an oyster license to plant or dredge to remain on or near the plantation and the natural oyster beds in the bay after sunset, and all oyster boats or vessels used or engaged in planting or dredging for oysters under this act shall not only be retired from their occupation or business at or before sunset, but shall be taken within the land by that time if the wind and tide will allow and no accident to prevent.

SECTION 6. A signal for commencing work by the boats or vessels licensed under this act in the morning and for retiring from work in the evening shall be given from the watch boat; such signal for commencing work shall be the hoisting of the flag of the watch boat in the morning at sunrise and keeping the same displayed for one hour at least thereafter, and the signal for retiring in the evening shall be the lowering of the said flag at sunset, which, previously to the lowering thereof at sunset, shall be displayed at least one hour: this flag shall be of drilling, of navy blue color, six feet by four in length, with a diamond of white in the center, having a diameter of two feet between the points furthest apart; it shall be displayed at least one hour at her main-topmast head in the morning, during the working days, commencing at sunrise and shall also be displayed at least one hour as aforesaid before sunset. The failure or neglect of the giving of the signal from the watch boat for retiring shall be no excuse for any boat or vessel to remain on or near the plantations or natural beds in the bay after sunset. The said watch boat shall not leave the planting grounds and natural oyster beds but shall cruise up and down the same, if the wind will allow, except when she is compelled by floating

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ice, severe stress of weather, accident, or want of repairs or supplies from remaining in the bay.

SECTION 7. Any person or persons who shall violate any of the provisions of Sections 3, 4 and 5 of this act, shall be fined the sum of one hundred dollars, and if more than one, each of the said persons shall be fined one hundred dollars, which said fines, with the costs of prosecution, shall be a lien upon the boat or vessel used by such offenders from the time of the seizure thereof as hereinafter provided; and the proceedings for such violation shall be before any justice of the peace of Kent county as herein provided in Section 9 of this act, and the offender or offenders shall be imprisoned until said fines and costs are paid or until such boat or vessel shall be sold as hereinafter provided.

Justice of the Peace shall have jurisdiction for violation of provisions of Sections 3, 4 and 5.

SECTION 8. When an oyster boat or vessel is sailing over a plantation or oyster grounds with dredges overboard and the men or crew, or a part of them, at the winders on board of such boat or vessel handling or working the dredges, it shall be conclusive evidence that the parties on board of such boat or vessel are dredging for oysters; and when a boat or vessel is discovered on the plantation or ground of another so working his boat or vessel with dredges overboard without the owner's permission, it shall be conclusive evidence that such persons are violating that provision of Section 4 of this act which forbids the dredging on the plantation of another without the owner's consent.

Persons upon ground of another when presumed guilty of dredging.

SECTION 9. For the purpose of protecting the oyster beds in the Delaware Bay and those who plant oysters under this act in the enjoyment of the privilege hereby secured to them, the aforesaid Collector shall, with the moneys paid under the provisions of this act, keep and maintain a suitable vessel as a watch boat not less than twenty-five tons (Custom House measurement) which shall be of the best quality, well found in all respects, and able to keep watch in all weathers, and manned with four men, all of whom shall be experienced and practical seamen, one of them shall be her captain, to be designated by the Collector, and he shall have charge of her, the others shall be subject to his order. She shall be employed at all times in the protection of the natural oyster beds of this State and the plantations of the several planters from depredation, by trespassers, and shall cruise at all times, when the weather will allow, over the oyster plantations and natural beds from one end of them to the other, that no depredation upon any of them may be unseen, and shall not

Collector shall keep and maintain a suitable watch boat.

When she shall be employed.

## OF THE REVENUE OF THE STATE.

Book shall  
be kept.

Vessel of  
trespassers  
forfeited.

Justice of  
the Peace  
shall have  
jurisdiction.

Power and  
duties of the  
Justices of  
the Peace.

go to harbor except in stress of weather or when accident or some urgent necessity require it. On board of this boat shall be kept a log book, a record, in which shall be entered the names of every person licensed to plant or dredge for oysters with the number of his license and the time when the same was taken out, and also the name of each person constituting the crew of the different boats or vessels used in dredging for oysters on the natural beds; and upon the command of her captain (or if he be sick or absent) upon the command of the person at the time in charge of her, any other boat or boats, vessel or vessels, together with their respective crews shall aid and assist the watch boat and her crew as a *posse comitatus* in the enforcement of the several provisions of this act; such enforcement shall be the seizure of the vessel used in the violation of any of the provisions of this act and everything in or belonging to her, and the arrest of her crew, including the master or captain, as herein provided. And it shall be the duty of the captain of the said watch boat to keep a strict and vigilant watch and to see that no violations are made of any of the provisions of this act, and whenever upon his own view or upon reliable information he has good grounds to believe that any boat or vessel is being used in violating any of the provisions of this act he shall forthwith seize such boat or vessel and take her to Little Creek Landing and safely keep the same until sold or discharged by due course of law, and to arrest all the crew including the captain or master and take them before a justice of the peace of Kent county who shall have full jurisdiction over every violation of any of the provisions of Sections 3, 4 and 5 of this act. In order to give the defendants an opportunity for a fair trial, it shall be the duty of the said justice to fix a day for the hearing, which shall not be more than five days from the time of the arrest, and may be earlier if the defendants so desire. If from any cause the justice shall be satisfied that the defendants cannot be prepared for trial by the day fixed by him he may postpone the hearing to a day not exceeding five days from the day first fixed; the persons so arrested shall be required to give bail for their appearance on the day fixed for trial in a sum to be fixed by the said justice, and in default thereof shall be committed to the jail of Kent county; upon proof to the satisfaction of the justice that the defendants or any of them are guilty, the said justice shall impose upon the defendant or defendants severally so found guilty a fine of one hundred dollars for such violations together with the costs of proceeding including the costs of

OF THE REVENUE OF THE STATE.

seizing and detaining the said boat or vessel, and the said defendants so found guilty shall be imprisoned until said fines and costs be paid or until such boat or vessel shall be sold as hereinafter provided, which said fines and costs shall also be a lien upon said boat or vessel from the time of her seizure, and the said boat or vessel and everything in or belonging to her shall be detained until said fines and costs be paid; and in case said fines and costs be not paid within fifteen days from the time the same were adjudged by the said justice then the said justice or any other justice of the peace of Kent county shall issue an order to any constable of Kent county commanding the said constable to sell the said boat or vessel and all and everything in and belonging to her to the highest bidder at public sale, on ten days notice, by advertisements posted in six of the most public places in East Dover and Little Creek hundreds, and the proceeds, after deducting the fines and costs, shall be paid to the owner or owners of said boat or vessel, but if said proceeds shall not be sufficient to pay the whole of said fines and costs the proceeds shall be first applied to the costs and the balance thereof to the fines, and thereupon any persons who may have been imprisoned by reason of non-payment of said fines and costs shall thereupon be discharged from imprisonment. *Provided*, that parties defendant in the proceeding may appeal to the Court of General Sessions of the Peace and Jail Delivery upon giving security by bond with surety to the justice of the peace, in the name of the State of Delaware, in a sum double the amount of the fine imposed to prosecute the said appeal with effect at the next term of the said court. The appeal shall be tried at said term by jury, unless the court continue it, and upon certificate by the clerk that the appeal was not prosecuted in due time, or was decided against the appellant, the bond shall be forfeited and be at once proceeded upon at the instance of the Collector. The appeal shall be a *supersedeas*; but it shall not be granted after the expiration of fifteen days from the time of the imposition of the fine.

Fines and costs a lien upon the vessel seized.

Notice of sale, how given.

Proceeds, how distributed. Persons imprisoned, when discharged. Appeal to Court of General Sessions.

SECTION 10. Upon complaint made by any person before any justice of the Peace in Kent County supported by oath or affirmation that any boat or vessel has been used or is being used in violation of any of the provisions of Sections 3, 4 and 5 of this act, it shall be the duty of the said justice to issue a warrant under his hand and seal, directed to the captain of the watch boat, commanding him to seize such boat or vessel and to arrest all her crew including the captain or master, and the said captain of the watch boat shall forthwith proceed as

Duty of Justice upon complaint.



## OF THE REVENUE OF THE STATE.

Duty of  
Collector.

provided in Section 9 of this act, and the proceedings before the justice of the peace shall be the same as therein provided, with the right of appeal as aforesaid. When the Collector shall have knowledge or reliable information that any boat or vessel has been used or is being used in violation of any of the provision of Sections 3, 4 and 5 of this act it shall be his duty forthwith to order the captain of the said watch boat to seize such boat or vessel and arrest all of her crew including her captain or master, and thereupon the said captain of the watch boat shall proceed in the same way as is provided in the aforesaid Section 9 of this act, and the proceedings before the justice shall be the same as therein provided, with a right of appeal as aforesaid. If the captain of the watch boat shall be absent or incapable of acting in the premises the person at the time in charge of said watch boat shall do and perform all the matters and things herein required of the captain of the watch boat.

How pro-  
ceedings are  
to be insti-  
tuted.

SECTION 11. Upon parties charged with the violations of any of the provisions of Sections 3, 4 and 5 of this act being brought before the justice he shall inquire their names and upon refusal to give them he may assign to them in his proceedings any names he may choose, which shall be taken to be their true names, and they shall be further described as belonging to the boat or vessel seized which shall be named also.

Fo m.

The proceedings may be according to the following form :

The State of Dela-  
ware.

vs.

A, B, C, D, E, F,  
belonging to the  
boat or vessel

Proceeding for violation of Section—  
of the act entitled, "An Act in  
Relation to Oysters."

And now to wit this       day of       A. D.,       the parties defendant being brought forward and the said boat or vessel being in custody and both parties being ready for trial, and the testimony having been heard and considered, it is hereby adjudged that the said A, B, C, D, E, F, (or such of them as were guilty) are guilty of violating on the       day of       last the provisions of Section       of the act aforesaid by the use of the said boat or vessel and the implements on her for that purpose, and they are hereby ordered to pay each severally a fine of one hundred dollars and jointly to pay the costs of prosecution and the cost of seizing and detaining said vessel and are committed to the custody of the Sheriff of

## OF THE REVENUE OF THE STATE.

Kent county until the said fines and costs be paid or until the said boat or vessel be sold ; and it is further ordered, that if the said fines and costs be not paid in fifteen days, that the said boat or vessel and her implements as aforesaid and all her appurtenances be sold by M. W., constable, to the highest bidder on ten days notice by advertisements posted in six of the most public places in East Dover and Little Creek hundreds.

J. D.

J. P.

SECTION 12. In the performance of the duties enjoined by this act the crew of the watch boat and those aiding them voluntarily or upon requisition as aforesaid may use any force necessary for that purpose, and in any proceedings against them either civil or criminal they may plead this act in justification or give it in evidence under the general issue. Force may be used.

SECTION 13. If any person shall resist the crew of the watch boat and those who may be acting in aid of them or any of such persons in the enforcement of this statute, he shall if such resistance do not endanger life be guilty of a misdemeanor, and upon conviction by indictment he shall be fined one hundred dollars ; if life be endangered but not taken he shall be deemed guilty of felony, and upon conviction by indictment he shall be fined five hundred dollars, and exposed in the pillory one hour and imprisoned one year ; if life be taken by the resisting party he shall be guilty of murder in the first degree. Any one resisting either crew of watch boat or those assisting, guilty of a misdemeanor. When guilty of felony. When of murder.

SECTION 14. That any non-resident person desiring to plant or continue the planting of oysters in the Delaware Bay and prohibited under this act from dredging for oysters on the natural oyster beds of this State may obtain a license under Section 2 of this act for planting oysters and taking up the same by paying the usual fee for ground rent as prescribed in this act, and the further sum of two dollars per ton (Custom House measurement) for the boat or vessel to be used in the business of working the plantation as is also prescribed in said Section 2 of this act ; and the person taking out a license for himself under the provisions of this Section shall take an oath to be administered by the collector hereinafter provided for before the license is delivered that he will not violate or consent to the violation, nor allow the boat or vessel used by him in the prosecution of the business for which said license is granted to be employed in the violation of this act. Non-residents shall plant without a license. Fee for license. Shall make oath.

## OF THE REVENUE OF THE STATE.

Number of  
vessels to be  
used under  
a license.

SECTION 15. A license to plant under this act \*to dredge merely shall be taken to allow the use of one boat or vessel only in the business, and in every case of license granted the applicant shall state the name of such vessel and the license shall have her name inserted therein. And that no right to plant or dredge for oysters shall under any circumstances exist or be exercised until license in due form is issued and paid for.

Stakes to be  
set at what  
time.

SECTION 16. All persons having plantations and the stakes having been carried off by ice or otherwise, shall be required to restake them in the same manner as prescribed in Section 2 of this act by the first day of May in each and every year; and a failure to comply with this Section in three months after the first day of May shall forfeit all right or claim to said plantation and it shall revert to the State and it may be at any time thereafter staked off as new ground in accordance with the provisions of this act.

Persons de-  
siring  
ground  
shall notify  
the Collec-  
tor of its  
location.  
Duty of  
Collector  
when  
notified.

SECTION 17. Any person desiring to stake up new grounds shall be required to notify the Collector of the location that he has chosen and if it be within three hundred yards of the plantation of another or the plantations of others it shall be the duty of the said Collector to notify the owner or owners of said plantations; and if such owner or owners or any of them object, he or they must make their objections in writing to the said Collector, and it shall be the duty of said Collector to hear the objections, and if it should appear that the persons so objecting had good reasonable grounds for such objection, and that their property would be thereby endangered, then he shall refuse to allow the person so desiring to stake up the ground so selected by him.

When ves-  
sels shall be  
allowed to  
work.

SECTION 18. That no boat or vessel whatever shall be allowed to work until her owner has complied with the law in regard to wearing her number of legal dimensions upon her mainsail; and no boat or vessel having a license to dredge for oysters on the natural oyster beds of this State shall be allowed to do so until her owner or owners have complied with the law in regard to wearing the letter in or on her mainsail as provided in this act, and if any boat or vessel shall be used without having such number or letter, as the case may be, she shall be seized by the captain of the watch boat and detained by him until her owner or owners shall have complied with the law in regard to such number or letter, as the case may be, and before she shall be allowed again to work

When ves-  
sels shall be  
seized.

## OF THE REVENUE OF THE STATE.

or dredge for oysters her owner or owners shall pay the Collector the costs and expenses of her seizure and detention.

SECTION 19. It shall be unlawful for any boat or vessel licensed to dredge on the natural oyster beds of this State to use a dredge that has a tooth bar over forty inches (40) in length between the shoulders; and any violation of the provisions of this section shall *ipso facto* work a forfeiture of the license issued for the use of such boat or vessel, and all right to work such boat or vessel under such license shall immediately cease; and another license shall not be obtained for the said boat or vessel until the expiration of the year for which the license so forfeited was issued.

Size of  
dredge.

When for-  
feiture of  
license, shall  
be had.

SECTION 20. Every boat or vessel used or employed in planting or dredging for oysters under the provisions of this act, shall have her name plainly painted on her stern at the usual place, in white letters upon a black ground or black letters upon a white ground, so that the same may at all times be visible; and any boat or vessel used for planting or dredging for oysters under the provisions of this act and not having her name plainly painted on her stern as aforesaid shall be seized by the captain of the watch boat and detained by him until her owner or owners shall have complied with the law in regard to her name being plainly painted on her stern as aforesaid, and before she shall be allowed again to work or dredge for oysters her owner or owners shall pay to the Collector the costs and expenses of her seizure and detention.

Location of  
name of ves-  
sel.

Non-com-  
pliance  
shall cause  
a seizure  
and deten-  
tion of vessel.

SECTION 21. If the said captain of the watch boat, or the Collector provided for by this act, shall refuse or neglect to perform any of the duties required of them respectively under this act, he shall be deemed guilty of a misdemeanor and upon conviction thereof by indictment shall be fined not less than fifty dollars nor more than one hundred dollars together with the costs of prosecution.

Refusal or  
neglect on  
the part of  
Captain or  
Collector to  
perform the  
duties pre-  
scribed, a  
misdemean-  
or.  
Fine.

SECTION 22. That neither the captain of the watch boat nor any of her crew shall receive any pay for the time not actually and actively spent in the discharge of the duties required by this act, but such time shall be deducted in the computation of their wages.

Deduction  
of pay,  
made.

SECTION 23. That the sum of three hundred dollars annually be and is hereby set apart and appropriated out of the oyster fund to the Levy Court of Kent County; and the said Levy Court is hereby authorized and directed to appro-

Three hun-  
dred dollars  
appropriat-  
ed out of the  
oyster fund  
for the re-  
pair of a

## OF THE REVENUE OF THE STATE.

certain  
road,

priate the whole of said sum in improving that part of the road from Little Creek Landing to Mahon's River which lies between the run and fast land, and for that purpose shall appoint annually in the month of March some skillful and judicious road overseer to superintend and make such repairs, and said overseer shall be subject in all respects to the general laws governing other road overseers.

Duty of the  
Collector  
concerning  
the watch  
boat.

SECTION 24. The collector is hereby authorized and required to furnish the watch boat with six tons of coal and one cord of wood in each and every year; and he shall also keep the said watch boat supplied with a proper flag as herein before mentioned, and when the said flag shall be lost or destroyed or worn out he shall supply the said watch boat with a new flag in accordance with the provisions of this act, and the expense of such flag, wood and coal, shall be paid out of any funds he the said collector may have in hand belonging to the State.

Justices in  
dishibition.

SECTION 25. Any justice of the peace of this State resident in Kent County shall have jurisdiction over every violation of the provisions of Sections 3, 4 and 5 of this act and the proceedings for every violation of the provisions of said Sections 3, 4 and 5 of this act shall be before a justice of the peace resident of Kent County with right of appeal as aforesaid; and all proceedings against any offender or offenders under this act shall be in the name of the State of Delaware.

Proceedings  
how  
brought.

Fees of Jus-  
tice and offi-  
cers.

Fines, when  
paid.

In case  
there is a  
failure to  
pay fines to  
Collector,  
how col-  
lected.

The fees to the justice and any officer rendering service under this act for violations thereof shall be the same as now provided by law for like or similar cases; and any or all fines which may be imposed under the provisions of this act, and which may be received or collected by any constable of Kent County shall be forthwith paid by said constable to the collector, and the failure to pay over such fine or fines to the collector within ten days after the same may be received or collected by any constable shall be a breach of his official obligation, and it shall be the duty of the collector forthwith to cause suit to be brought on such official obligation of such constable so failing to pay such fine within the time aforesaid; and for this purpose the said collector may employ any attorney at law to prosecute such suit and the expenses of such employment shall be paid out of any funds he may have in hand belonging to the State.

Collector to  
be appoint-  
ed by the  
Governor.

SECTION 26. In order to carry into effect the provisions of this act there shall be an officer known as Collector of the

## OF THE REVENUE OF THE STATE.

Oyster Revenue who shall be appointed by the Governor and shall reside at or near the village of Little Creek in Kent County and shall hold his office for the term of two years or until his successor be appointed; but the Governor may at any time within that term remove the Collector and appoint another in his stead, upon sufficient cause shown him therefor, but the official bond of the Collector so removed shall nevertheless be continued in force and he and his sureties therein shall be liable thereon for any breach of the duties of his office; before the Collector shall enter upon the duties of his office he shall give bond with surety to be approved by the Governor to the State of Delaware in the penal sum of ten thousand dollars (\$10,000.00) conditioned for the faithful performance of the duties of his office, and he shall also be sworn or affirmed that he will faithfully and impartially perform the duties of his office; the official bond of the Collector shall be recorded in the Recorder's office of Kent County and the original (which shall be filed in the office of the Secretary of State) or a copy thereof from the record duly certified shall be evidence. The person who held the office of Collector immediately prior to the passage of this act shall continue in office for two years from the date of his commission unless he be removed by the Governor upon sufficient cause shown to him therefor but he shall within fifteen days from the passage of this act give bond with surety to be approved by the Governor as herein required of newly appointed Collectors, and a failure to give such bond within fifteen days from the passage of this act shall work a forfeiture of his office, and the Governor shall appoint another person as collector in his stead; but the official bond which he may have given prior to the passage of this act shall continue in force and he and his sureties therein shall be liable thereunder for any breach of duty which may have been or may be committed prior to giving his new bond.

Place of residence and term of office.

Power of the Governor to remove.

Bond.

Collector to be sworn or affirmed.

Time in which bond shall be given.

Forfeiture of office upon failure to give bond within what time.

SECTION 27. The Governor shall cause the necessary licenses under this act to be prepared and supplied to the Collector aforesaid to be dispensed by him when called for under this act; they shall be in the usual form except that they shall be adapted to the nature of the privilege granted.

Governor to supply licenses.

SECTION 28. That the Collector shall issue no license nor permit any boat or vessel to dredge until the price or fee for said license has been actually paid, and the collector violating this provision shall not only be responsible for said license fee, but shall in addition thereto forfeit a like sum to the State

Collector shall issue licenses.

## OF THE REVENUE OF THE STATE.

which shall be sued for and collected by action on his official bond as in other cases of a breach of the condition thereof.

Compensation to the Collector.

Compensation to the Captain and crew.

SECTION 29. The compensation to the said collector under this act shall be ten per centum of the money collected and paid over to him, but shall not exceed the sum of one thousand dollars per annum; and that to the captain and crew of the watch boat shall be seventy-five dollars per month for the captain, and forty dollars per month for each of the crew they finding their own board, which shall be paid out of the money collected under this act, a sufficient amount of which is hereby appropriated for that purpose which shall be paid as hereinafter directed.

Accounts of the collector, how kept.

SECTION 30. That the collector shall keep a separate account in the Farmers' Bank at Dover of all moneys received by him for licenses issued and fines imposed under this act and shall deposit weekly all moneys received by him therefor, and all disbursements which he is or may be authorized by law to make shall be by checks drawn on said funds in his official capacity which shall be indicated by the written or printed word "Collector" immediately after his name; the checks shall be numbered consecutively from first to last during his continuance in office; shall state briefly what they are for; and the bills for which they are given shall have a corresponding number; and shall be filed in order in the office of the collector and shall be subject to the inspection of any citizen and tax-payer who may wish to examine the same; and no disbursement shall be made by the said collector in any other way.

Payments by the collector, how made, when made, and to whom made.

SECTION 31. That the said Collector shall on or before the fifteenth day of March, in each and every year pay over to the State Treasurer for the use of the State all the residue of the moneys received by him under this act after deducting the amount paid out by him under the authority of this act together with his commission. The first payment under this act to be on or before the fifteenth day of March A. D. 1888, and he shall at the same time make and deliver to the said State Treasurer an itemized account or statement of all moneys received by him from all sources under this act, and the name of the person or the persons and the boat or vessel used by him or them; from whom he received said money; and also paid out under this act and to whom paid to, with the proper vouchers for the same under his oath thereto attached to the said account or statement in the following words to wit:

## OF THE REVENUE OF THE STATE.

STATE OF DELAWARE, {

KENT COUNTY, ss. } Be it remembered that on Form of oath accompanying statement.  
 this       day of       A. D., personally came before me  
 , a Notary Public for the State of Delaware, A. B.,  
 Collector of the Oyster Revenue, and being by me duly  
 sworn upon the Holy Evangelists of Almighty God deposes and  
 says that the above and foregoing is a just and true account  
 of all moneys received and paid over to him under and by  
 virtue of this act and the disbursements of the same from the  
 fifteenth day of       A. D.       to the       day of  
 A. D.       , and he further deposes and says that there is no  
 item or matter charged in said account and paid for by him  
 but what is authorized by law.

[SEAL.] Sworn and subscribed }  
 before me       the day and year }       A. B., Collector.  
 aforesaid. }  
 C. D., Notary Public. }

And if the said Collector in rendering such account or Collector making false statement guilty of misdemeanor.  
 statement to the said State Treasurer shall make any false or  
 fraudulent statement of the amount received by him or shall  
 in drawing checks (the checks as prescribed to be drawn in  
 this section) for the payment of the expenses incurred and  
 other bills authorized to be paid by law, specify therein a  
 greater amount than was contracted to be paid for the service  
 or items for which any such check may be drawn or which  
 shall not be the true amount which the person in whose favor  
 any such check may be drawn, he shall be deemed guilty of  
 a misdemeanor and on conviction thereof by indictment shall  
 be fined one hundred dollars, one-half for the use of the Fine.  
 informer and the residue for the use of the State, and such  
 conviction shall *ipso facto* work a forfeiture of his office.

SECTION 32. It shall be the duty of the Collector to have Statement and account to be published annually.  
 his annual statement or account published in two newspapers  
 printed in the town of Dover in the month of April of each  
 and every year.

SECTION 33. That the money paid over to the State  
 Treasurer directed under this act shall be kept as a separate  
 fund, and when the amount is sufficient it shall be applied by Application of money paid to State Treasurer by the Collector.  
 him to the purchase of a State bond or bonds, which said  
 fund shall from thenceforth constitute part of a sinking fund  
 for the payment of the public debt.

SECTION 34. That none of the provisions of this act shall Provisions of this act shall not include a certain part of  
 extend or apply to that part of the Delaware Bay embraced  
 within the following limits, viz: Beginning at the mouth of



## OF THE REVENUE OF THE STATE.

Delaware  
Bay.

Leipsic Creek and running in an easterly course to a spar buoy on Goose Point Bar; thence in a northwesterly course to the Black Can Buoy, No. 15, off the point of the bar at Bombay Hook; thence a westerly course to the beach; and all the provisions of the act entitled "An Act in Relation to the Tonging of Oysters," passed at Dover, April 2, 1885, shall remain and continue in full force and effect, and shall not in anywise be altered, changed or affected by this act.

Provisions  
of act con-  
cerning res-  
idence shall  
not apply in  
certain  
cases.

Oath of  
affirmation  
not required  
in certain  
cases.

SECTION 35. That the provisions of Section 3 — of this act in relation to a continuous residence of six months in this State shall not apply or extend to any *bona fide* resident of Kent county who have actually moved into Kent county with a *bona fide* intention of remaining here permanently prior to the first day of February, A. D. 1887, but who have not been such *bona fide* resident of this State for six months prior to the time of the making of their application for the certificate required by said section; and such persons shall not be required to make the oath or affirmation provided for in said section as to a continuous six months resident, provided such oath or affirmation be made before the expiration of six months from the time they actually become *bona fide* residents of this State.

Inconsis-  
tent acts re-  
pealed.  
Exception.

Exception.

SECTION 36. All acts and parts of acts except the act entitled An Act in Relation to the Tonging of Oysters, passed at Dover, April 2d, 1885, which are supplied by or are inconsistent with this act be and the same are hereby repealed, made null and void. Saving and excepting, however, that all the provisions of said acts shall remain in force, for the purpose of continuing, maintaining and prosecuting to final judgment and execution any proceedings that may have been commenced for violations of any of the provisions of said acts, including any and all appeals which may have been taken or entered in any of said proceedings, and the appeal bonds which may have been taken in any appeals shall continue in full force and effect and suit thereon may be commenced and prosecuted to final judgment and execution; and saving and excepting further that the official bond of any collector who may have held the office of collector prior to the passage of this act shall continue in force. And such Collector and his sureties therein shall continue liable for any breach or breaches of any of the conditions of said bond. And said bond may be proceeded on to final judgment against the principal and sureties therein for any breach of the condition thereof.

Exception.

## OF THE REVENUE OF THE STATE.

SECTION 37. It shall be the duty of the Secretary of State as soon as conveniently may be after the passage of this act to cause 200 copies of this act to be printed on good foolscap paper and to deliver the same when printed to the Collector appointed under this act, and the said Collector is hereby directed to furnish one copy of this act to any boat or vessel licensed under this act and he shall also supply one copy to any captain or master of an unlicensed oyster boat or vessel who shall apply to him for the same ; but no neglect or failure of the Collector in this respect shall exonerate or excuse any one violating any of the provisions of this act.

Duty of the  
Secretary of  
State.

Duty of the  
Collector.

SECTION 38. That nothing in this act shall be so construed as in any manner to repeal, alter or amend any act relating to the catching of oysters in the creeks or rivers of this State.

Shall not in  
any manner  
affect or alter  
the law  
concerning  
the catching  
of oysters in  
creeks or  
rivers.

*Passed at Dover, March 28th, 1887.*

## CHAPTER 6.

## OF THE REVENUE OF THE STATE.

**AN ACT to reserve a Section of the Delaware Bay within the limits of this State for Fishing and Domestic Oyster purposes.**

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:* That on and after the passage of this act there shall be laid off for fishing and for domestic oyster purposes, the following described portion of the Delaware Bay in this State.

First, that portion lying between two parallel lines and running due east to the middle of the Ship Channel, the first point to commence two miles south of the middle of the mouth of Murderkill Creek, and to run due east, and the second point to commence in the middle of the mouth of Mispillion Creek and run a like due east course, and there shall not hereafter within the herein described limits be any oysters planted in the land staked up for such purposes except as herein provided, and in case any such oysters should be

Oysters  
shall not be  
planted in  
the prescribed  
limits except  
as here-  
in provided.

## OF THE REVENUE OF THE STATE.

planted within these described limits they shall have no protection in law, and shall be forfeited for the use of the public, and the section here described shall be reserved of general fishing purposes.

Limits pre-  
scribed for  
domestic  
oyster pur-  
poses.

SECTION 2. As excepted in Section 1 of this act, there shall be laid off for domestic oyster purposes, a strip of oyster planting land from the mouth of Lewis's Ditch, southerly to the mouth of Mispillion Creek, three hundred yards wide, extending into the bay from ordinary low water mark, and the same shall be divided into plats or sections, containing each two hundred feet front on the shore line and extending a due east course between parallel lines three hundred yards into the bay, and each of said plats shall be considered one section.

Collector  
shall cause  
a surveyed  
chart to be  
made.

Place of be-  
ginning.

Each Sec-  
tion to be  
numbered.

SECTION 3. As soon after the passage of this act as convenient, it shall be the duty of the Collector of the Oyster Revenue to employ a competent surveyor and go with him and properly lay off and plat this land and make a correct map or chart thereof for the use of said Collector of the Oyster Revenue, that is to say, he shall plant a stone at the place of beginning, Lewis's Ditch, marked No. 1, and by the most straight and longest lines he can get, follow the shore, planting at each *five thousand* feet a suitable stone near to and inside of ordinary high water mark, properly and distinctly numbered from one at Lewis's Ditch numerically to Mispillion Creek. It shall not be necessary for said Surveyor to survey each section or plat, but from his shore lines make and draw his chart of the shore in two hundred feet spaces by parallel due east lines to make his drawing as directed herein, and each one of these sections shall be alphabetically marked in combinations not exceeding two letters on said map, or a book kept for that purpose.

None but  
citizens may  
select sec-  
tions upon  
payment of  
license fee.  
Collector  
shall keep  
an account  
of leased  
sections.

No section  
shall  
include  
mouth of  
creek.

SECTION 4. From this plat or map including all the marked sections, any person who is a *bona fide* citizen of this State may select one on paying a license fee of five dollars for each year to the Collector of the Oyster Revenue of this State, whose further duties shall extend to the provisions of this act, and he shall keep a correct account of all such sections licensed with the names of the persons holding the same and such licenses issued shall contain their alphabetical number written in. It is herein provided that no section shall include the mouth of any creek, neither shall the space between St. Jones' Creek and Muderkill Creek be included in the provisions of this act. It shall be the duty of the Collector of

## OF THE REVENUE OF THE STATE.

the Oyster Revenue to pay out of the oyster funds in his hands a reasonable compensation for the survey and map, herein directed, but no further surveying expenses shall be paid by the State.

SECTION 5. No person taking out a license to plant oysters on any of these sections shall interfere with the seine fishing within these limits; in order that he or they may not do so, his shore stakes shall be at high water and his stakes in the bay shall be held there by what is termed a mushroom or bell anchor to which his stakes shall be attached in such way as to permit the lead lines of seines to pass over without getting fast.

Planters shall not interfere with seine fishing

SECTION 6. Each one of these sections that is planted with oysters shall be staked within its given lines and distinctly marked by its alphabetical number in letters not less than six inches long by two inches wide, at each corner, and any person who neglects to so stake his section shall have no protection in law under this act.

Sections shall be numbered.

Persons neglecting to stake shall not be protected.

SECTION 7. No person legally holding one of these sections shall be permitted either to plant oysters thereon or take them therefrom, excepting between the hours of sunrise and sunset, and for every violation of this provision he shall be liable to a fine of \$10, and any person holding a section herein described who shall be found wilfully taking the oysters from another section shall pay a fine twenty dollars, and forfeit his own section and all the oysters thereon, and shall not be permitted to have another license within the limits herein described.

Time in which planting & dredging shall be had. Fine for non-compliance.

Penalty for taking the oysters of another.

SECTION 8. If any person not having a licensed section within these limits shall be found wilfully taking or destroying the oysters on any licensed section, he shall be summarily fined the sum of twenty dollars for each such offense, and any Sheriff, Constable or other citizen shall have the right to arrest such person or persons and take them before the nearest Justice of the Peace who shall exact such fine and if not paid the said Justice shall send such person or persons to the county jail until it is paid or they are otherwise discharged by court. It is provided that such accused person shall have the right to be heard in his own behalf and furnish evidence to prove his innocence, which the justice of the peace shall determine.

Unlawful for persons not holding a license to catch or take oysters within the limits above prescribed.

Penalty. Justice's jurisdiction.

SECTION 9. It is further provided that all boats and vessels engaged in removing oysters from any of these licensed sections must have plainly painted on their sterns,

Numbers shall be plainly painted upon boats and vessels.

## OF THE REVENUE OF THE STATE.

Neglect to  
do so works  
a forfeiture.

in black letters on a white ground, as large as on their stakes, their correct alphabetical numbers, or otherwise such boats and vessels may be seized and sold on condemnation before a justice of the peace, by any constable of Kent County, on ten days' notice being given in five public places in the hundred in which the offense has been committed, but nothing herein shall prevent an appeal to the court under the laws of this State.

Fines and  
penalties to  
be paid to  
collector  
and become  
a part of the  
oyster fund.

SECTION 10. All fines and penalties accruing from the execution of this act after deducting costs of suit shall be paid to the Collector of the Oyster Revenue and to go into the oyster fund along with all licenses under this act paid to him, and to be accounted for by him as other oyster revenue is by law accounted for by him under the laws of this State, and all acts or parts of acts inconsistent with the provisions of this act are hereby suspended from operation within the herein described limits.

*Passed at Dover, March 28, 1887.*

## CHAPTER 7.

## OF THE REVENUE OF THE STATE.

Preamble.

## AN ACT Concerning the Revenue of the State.

WHEREAS the Delaware Railroad Company has hitherto certainly been exempt from all taxation by the terms of its charter; and

WHEREAS doubts have been suggested as to when the period of exemption from taxation expires and these doubts can only be authoritatively solved by a judicial construction of its charter, although this Legislature believes that such limitation of exemption expired with the year 1886; and

WHEREAS it is expedient that steps be taken to secure to the State the revenue which would accrue from the said Company so far as it is or may be properly taxable; therefore,

## OF THE REVENUE OF THE STATE.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. That the State Treasurer be, and he is hereby <sup>Duty of the State Treasurer.</sup> authorized and directed, on or before the first day of July, A. D. 1887, to give notice in writing to the President or Treasurer of "The Delaware Railroad Company" that the State will insist upon its right to collect taxes from the said Company during the present year and thereafter in accordance with the provisions of the several statutes imposing such taxes for purposes of revenue, and if the said Company shall not, pursuant to such notice, pay the gross sum prescribed by the next section hereof, it shall be the duty of the State Treasurer to proceed to enforce the payment by said Company <sup>Failure to pay, proceedings to be instituted.</sup> of the taxes imposed by the said statutes.

SECTION 2. That if the said "The Delaware Railroad Company" shall, on the first day of July, A. D. 1887, pay to the State Treasurer for the use of the State the sum of fifteen hundred dollars, and shall likewise, on the first day of January and July in each and every year thereafter until otherwise provided by law, pay to the said State Treasurer for the use of the State the like sum of fifteen hundred dollars, such sums shall be accepted and received in commutation and payment of all taxes which would otherwise be due and collectable from the said Company under the provisions of the acts entitled, "An act to raise revenue for this State," passed at Dover, August 11, 1864, and "An act taxing railroad and canal companies in this State," passed at Dover, April 8, 1869. <sup>Payment by the railroad company to be in commutation of all taxes.</sup>

SECTION 3. That this act shall not in anywise abrogate, repeal or alter the provisions of either of the acts mentioned and referred to in Section 2 of this act, but shall only operate to suspend the execution and enforcement of the said several acts so far as the said "The Delaware Railroad Company" is concerned, so long as such semi-annual payments shall be regularly and promptly made or until it shall be otherwise provided by law. And further, that nothing herein contained shall be construed to be a contract exempting or relieving the said corporation from any tax or taxes which may be now or hereafter imposed by law, except only that the payment of the sums aforesaid shall be in lieu of the special taxes above named. <sup>Shall not operate to suspend the enforcement and operation of other acts.</sup> *Provided*, that if any corporation, which may be liable to any tax under the said two several acts, shall be consolidated with "The Delaware Railroad Company" under any legislation of this State, such consolidation shall not in <sup>Shall be in lieu of the special tax. *Proviso.*</sup>

## OF THE REVENUE OF THE STATE.

anywise operate to effect the liability of any such Company for any such tax, but the same or any sum which may have\* provided to be received as commutation shall be payable by the said Company as well after as before such consolidation.

*Passed at Dover, April 20, 1887.*

\*So enrolled.

## CHAPTER 8.

## OF THE REVENUE OF THE STATE.

A SUPPLEMENT to the act entitled, "An act to Raise Revenue and Provide for the Current Expenses of the State Government," Passed at Dover, March 22, 1887.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. That hereafter the licenses to be issued by the Clerk of the Peace in each of the counties of this State to each foreign life insurance agent and to each foreign fire insurance agent shall expire on the thirty-first day of January following the date thereof, and each of said agents, when he takes out a license for a fractional part of the year, shall pay to the said Clerk of the Peace, for the use of the State, as fee for such license equal to a sum which shall be in proportion to fifty dollars as the time which said license has to run is to twelve months. And each of said agents shall also pay to the said Clerk of the Peace, for the use of the State, the per centum now required to be paid by law on a like proportion of the gross amount of the premiums received and assessment collected by each of said agents during the year immediately next preceeding the day of obtaining such license.

*Passed at Dover, April 21, 1887.*

Licenses to  
foreign in-  
surance  
companies  
to expire  
when.

Licenses  
how taken  
out.

Payment  
for licenses  
how made.

OF THE REVENUE OF THE STATE.

CHAPTER 9.

OF THE REVENUE OF THE STATE.

AN ACT to Amend Section Three, Chapter Four of the Revised Statutes of the State of Delaware.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. That Section Three, Chapter Four of the Revised Statutes of this State, be amended by adding the following thereto.

Section 3, Chapter 4, Revised Statutes amended.

*Provided,* That when the fee or tax for the use of the State has been once paid as required by this section, it shall not be again charged for any subsequent copy of any such act or resolution, which the Secretary of State is hereby authorized to issue to any one requesting it on payment of his fees therefor.

Proviso.

*Passed at Dover, April 21, 1887.*

CHAPTER 10.

OF THE LEVY COURT.

AN ACT to Authorize the Levy Court of Kent County to Re-appoint for an Additional Term a Constable for Mispillion Hundred.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. That it shall and may be lawful for the Levy Court of Kent county, in the exercise of their discretion, to reappoint for an additional term any constable in Mispillion hundred, in the county aforesaid.

Authority to reappoint constable in Mispillion hundred.

*Passed at Dover, February 25, 1887.*



## OF THE LEVY COURT.

## CHAPTER II.

## OF THE LEVY COURT.

A SUPPLEMENT to an act entitled, "An Act Authorizing the Levy Court of New Castle County to make a loan for the benefit of the Trustees of the Poor of New Castle County," passed March 30, 1883.

Preamble.

WHEREAS the persons to whom the Trustees of the Poor of New Castle county have conveyed certain real estate, as directed by the act to which this is a supplement, will not be able to sell and dispose of all of said real estate within the time limited for its sale by said act unless they dispose of the same at much less than its true value; now therefore

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. That "The Trustees of the Poor of New Castle county," and Henry G. Banning, Edward T. Bellah, Joseph L. Carpenter, Jr., William C. Lodge and Victor duPont, Trustees, to whom the said "The Trustees of the Poor of New Castle county" has conveyed certain real estate belonging to said corporation, and the survivor and survivors of them and the heirs and assigns of such survivors, are hereby directed, authorized and empowered to execute and deliver all such deeds, papers and instruments of writing as may be necessary and proper for the purpose of extending the time in which the said real estate may be sold, for a further period of five years, making ten years altogether, from the passage of the original act to which this is a supplement, and such papers, deeds and instruments of writing executed by them for the purpose of extending said time as aforesaid shall be valid and sufficient in law for such purpose, and all the provisions of the act to which this is a supplement applying in any manner to said real estate and the disposal of the proceeds thereof shall extend and apply to the same for the said further period of five years.

SECTION 2. All acts and parts of acts inconsistent herewith are hereby repealed.

SECTION 3. This act shall be deemed and taken to be a public act.

*Passed at Dover, March 21, 1887.*

OF THE LEVY COURT.

CHAPTER 12.

OF THE LEVY COURT.

AN ACT to Authorize the Levy Court of Kent County to Increase the Appropriation to "The Town of Dover" for the Purpose of Keeping the Streets in Repair.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. That the Levy Court of Kent county be and they are hereby authorized and directed, annually, in the month of April, to appropriate two hundred and fifty dollars in addition to the sum now provided by law to the town of Dover for the purpose of repairing and improving the streets of said town. Levy Court authorized to appropriate an additional sum of \$250 to the town of Dover.

SECTION 2. That the said Levy Court shall direct the Clerk of the Peace to draw an order upon the County Treasurer before the first day of July, payable to the Treasurer of the Town of Dover for the sum so appropriated. Clerk of the Peace shall draw an order for sum so appropriated.

*Passed at Dover, April 6, 1887.*

CHAPTER 13.

OF THE LEVY COURT.

AN ACT Authorizing the Levy Court of Sussex County to fund the Debt of said County.

*Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met:*

SECTION 1. That from and after the passage of this act the County Treasurer of Sussex county, the President of the Levy Court of Sussex county, and the Clerk of the Peace of Sussex county be, and they are hereby authorized and directed to advertise in such newspapers as they shall deem proper, and for such length of time as they shall deem proper, Advertisement by County Treasurer, President of the Levy Court and Clerk of the Peace of Sussex County.

## OF THE LEVY COURT.

Proposals must be in writing. for bids or proposals for the whole amount of the loan authorized by this act to be represented by bonds of Sussex county as hereinafter provided. Each bid or proposal must be in writing, must state the bidders full name and place of residence, and the amount of the loan proposed to be taken. Every bid must be accompanied by a certified check to the order of the County Treasurer of Sussex county for three per centum of the amount of the bid, which shall be retained as security for the payment of the residue of the amount bid when the bonds are ready for delivery, and payment shall be demanded in the mode hereinafter provided. In case the successful bidder should fail to comply with his bid by paying the balance thereof when demanded, the said percentage shall be absolutely forfeited to the said county. No bid less than the par value of the bonds will be accepted. In the said advertisements such matters shall be stated as may be necessary for the proper information of bidders respecting the said loan, and especially the time for the opening of said bids or proposals, and to whom said proposals shall be addressed.

Guarantee. Failure of bidder to comply, percentage forfeited. Bids must be for the par value. What advertisement shall state.

Bids when and by whom opened.

Duties of the commission.

Award.

In case of like bids, how awarded.

Return of deposits.

Check of the successful bidder to be deposited

SECTION 2. That at the time designated in said advertisements for the opening of said bids, the said County Treasurer, President of the Levy Court, and Clerk of the Peace, shall meet in the office of said Clerk of the Peace, in the town of Georgetown, Sussex county, and shall constitute a commission to open the said bids or proposals so received by them and make an accurate record in a book to be provided by the said Clerk of the Peace for that purpose, of every such bid or proposal so received, showing the name of the bidder, his place of residence and the amount of his bid; and such record shall also show the award made by the said commission as hereinafter provided. After the said bids shall have been opened and recorded the said commission shall award the said loan to the highest bidder or bidders whose proposal shall conform to the requirements of Section 1, of this act. In case there be two or more bids at the same price for the whole of said loan or any part thereof, the said commission may at their discretion, having due regard to the best interest of the said county, award the same to any one of such bidders. It shall be the duty of the County Treasurer after the said commission shall have awarded the loan to return to all unsuccessful bidders the certified checks received from them respectively, and the faith of the said county is expressly pledged for the return of the said checks. The check or checks of the successful bidder or bidders, shall, after the award made, be immediately deposited in the Farmer's bank

## OF THE LEVY COURT.

at Georgetown, for credit to the account of the said County Treasurer, and if the said successful bidder or bidders, shall, upon demand of the said County Treasurer and upon notice that the bonds are ready for delivery, comply with his or their undertaking by paying the balance of the amount or amounts bid by him or them, then the percentage so paid by him or them shall constitute part of the price of said bonds or otherwise shall be absolutely forfeited to the said county; provided that such successful bidder or bidders so complying with his bid or bids shall be allowed interest at the rate of four per cent. per annum on the amount of his or their deposit from the date of said award until the first day of July, A. D. 1887, (when interest shall commence to accrue on the said bonds,) which said allowance shall be made by way of abatement on the unpaid balance of his or their bid or bids.

to the county's credit.

When per cent. deposited shall be forfeited.

When interest shall be allowed upon deposit.

SECTION 3. In case there shall be no bid or bids for the whole of said loan or any part thereof pursuant to the advertisements directed and authorized by Section 1 of this act, or in case the whole of said loan or any part thereof be not taken, the said County Treasurer, President of the Levy Court of Sussex county and Clerk of the Peace may re-advertise from time to time in such newspapers and for such length of time as they may deem proper, in the same manner and subject to the same regulations as prescribed by Section 1, for other bids or proposals for the whole amount of the said loan or any part thereof. All bids or proposals by this section authorized shall be opened, acted on and disposed of at the time and place designated in said advertisements by the same commission and subject to the same regulations and directions as are contained in Section 2 of this act; *provided, however,* that in case any person may desire to bid for said loan either under the advertisements prescribed by this section or Section 1, may bid for the whole of said loan or any part thereof.

Commission may re-advertise, when.

Shall be governed by same regulations.

Proviso.

SECTION 4. That immediately after the award of said loan or any part thereof by the said commission as hereinbefore provided, it shall be and it is hereby made the duty of the said County Treasurer, President of the Levy Court and Clerk of the Peace forthwith to cause to be prepared and signed and sealed, as hereinafter provided, sixty bonds of Sussex county of the denomination of five hundred dollars each with coupons thereto attached. The said bonds shall be divided into fifteen several classes or series and shall be designated as "Series A," "Series B," "Series C," "Series D," "Series E," "Series F," "Series G," "Series H,"

Preparation of bonds.

Denomination and character of bonds.

## OF THE LEVY COURT.

"Series I," "Series J," "Series K," "Series L," "Series M," "Series N," "Series O," respectively. Each of said series shall consist of two thousand dollars and shall be represented by four bonds numbered from 1 to 4 inclusive.

Rate of interest. The said bonds shall bear interest at the rate of four per centum per annum payable semi-annually on the first days of January and July in every year while they remain unpaid, at the Farmers' Bank at Georgetown, on presentation of the coupon representing such semi-annual instalment of interest.

Date of bonds. The said bonds shall be dated the first day of July, A. D. 1887, shall bear interest from and after that date and shall have coupons attached to each bond representing each semi-annual instalment of interest which shall be numbered consecutively. Each coupon belonging to each bond shall bear the letter indicating the series of the bond to which it is attached.

Bonds when payable. The bonds embraced in "Series A" shall be payable on the first day of July, A. D. 1889. The bonds embraced in "Series B" shall be payable on the first day of July, A. D. 1890. The bonds embraced in "Series C" shall be payable on the first day of July, A. D. 1891. The bonds embraced in "Series D" shall be payable on the first day of July, A. D. 1892. The bonds embraced in "Series E" shall be payable on the first day of July, A. D. 1893. The bonds embraced in "Series F" shall be payable on the first day of July, A. D. 1894. The bonds embraced in "Series G" shall be payable on the first day of July, A. D. 1895. The bonds embraced in "Series H" shall be payable on the first day of July, A. D. 1896. The bonds embraced in "Series I" shall be payable on the first day of July, A. D. 1897. The bonds embraced in "Series J" shall be payable on the first day of July, 1898. The bonds embraced in "Series K" shall be payable on the first day of July, A. D. 1899. The bonds embraced in "Series L" shall be payable on the first day of July, A. D. 1900. The bonds embraced in "Series M" shall be payable on the first day of July, A. D. 1901. The bonds embraced in "Series N" shall be payable on the first day of July, A. D. 1902. The bonds embraced in "Series O" shall be payable on the first day of July, 1903.

The said bonds may be in the following form, to wit:

Form of  
bonds.

THE STATE OF DELAWARE,  
SUSSEX COUNTY.

Series —, No. —.

These presents certify and make known that Sussex county, in the State of Delaware, is held and firmly bound unto the

## OF THE LEVY COURT.

bearer in the sum of *five hundred dollars*, lawful money of the United States of America, which the said county binds itself to pay to the bearer at the Farmers' Bank in Georgetown, on the first day of July, A. D. —, with interest at the rate of of four per centum per annum payable at the said Farmers' Bank in Georgetown, on the first day of January and July in each and every year, while said principal sum remains unpaid, upon presentation of the coupon hereto annexed, representing such semi-annual instalment of interest.

Dated at Georgetown, the first day of July, A. D. 1887.

Witness the seal of the Levy Court of Sussex county, and the hands of the County Treasurer, President of the Levy Court and the Clerk of the Peace of the said county, the day and year aforesaid.

[SEAL.]

\_\_\_\_\_, *County Treasurer of Sussex County,*  
 \_\_\_\_\_, *President of Levy Court of Sussex County,*  
 \_\_\_\_\_, *Clerk of the Peace of Sussex County.*

And the coupons shall be in the following forms, to wit: Form of coupons.  
 Sussex county will pay to the bearer, at the Farmers' Bank in Georgetown, on the first day of \_\_\_\_\_, A. D. \_\_\_\_\_, the sum of ten dollars on bond No. \_\_\_\_\_, Series \_\_\_\_\_, dated July 1st, 1887.

Number —

\_\_\_\_\_, *County Treasurer of Sussex county.*

The said bonds shall each be dated the same day, shall be signed by the said County Treasurer, President of the Levy Court and Clerk of the Peace on behalf of the said Sussex county, and shall have the seal of the said Levy Court affixed thereto. How signed and executed.

The said Clerk of the Peace shall, in a book to be provided by him for that purpose, make an accurate record, showing each series of said bonds with their numbers and denominations respectively. Clerk of the Peace shall keep record of bonds.

It shall be the duty of the said County Treasurer to provide a record of proper size and proportions to be retained in his office so ruled as to afford a separate space for each coupon and a space at the top of the page of said record for each bond when paid or redeemed, he shall also affix his signature to each of the several coupons attached to each of said bonds and shall make an entry at the top of each page of the said record so to be kept by him of the number and series and also the denomination of the bond of which a record is to be made and kept on such page, and when the said bonds are delivered to the successful bidder or bidders therefor, the said County Treasurer, the President of the Levy Court and the Clerk of the Peace of Sussex county shall take Duty of County Treasurer.

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Bonds and coupons, how and when cancelled.

a receipt showing the delivery thereof and the price received by them therefor. As the said interest coupons are paid it shall be the duty of the said County Treasurer to mark the said in red ink "Paid," cut each of them in two pieces lengthwise and paste the two pieces in the appropriate space for such coupon in the aforesaid record. Whenever any of the said bonds shall have been paid the said County Treasurer shall cause the same to be cancelled by making lines of red ink through the signature of the County Treasurer, President of the Levy Court and the Clerk of the Peace, and also by writing across the face of said bond in red ink: "This bond paid on the — day — A. D. — by the payment of — dollars principal and — dollars interest represented by coupons No. — by — County Treasurer." And all coupons matured and surrendered shall each likewise be endorsed "canceled by the payment of bond No —." When paid the said bond shall be pasted in the record aforesaid, and all coupons paid, surrendered or served shall likewise be pasted in their appropriate space in such record.

Pasting of cancelled bonds and coupons in proper book.

Notice to successful bidder of award.

SECTION 5. When an award shall have been made to the successful bidder or bidders of the said loan by this act authorized or any part thereof and the said bonds shall be ready for delivery, said County Treasurer, President of the Levy Court and Clerk of the Peace shall cause notice in writing to be served upon each such bidder at least ten days before the delivery of the bonds indicated in such notes. In case any bidder to whom an award has been made, fail to pay the balance of the amount of his bid at the time designated in said notice the cash deposit made by him shall be absolutely forfeited to Sussex county; and so much of the said loan as he had bid for, may be re-advertised by the said commission according to the provisions of this act in that behalf.

Upon failure of successful bidder to comply deposit forfeited.

Money borrowed to be applied to liquidation of county debt.

SECTION 6. The said Levy Court of Sussex County is directed to apply the money borrowed as aforesaid, within six months thereafter, to the liquidation and payment of the outstanding indebtedness of said county which may have been due and payable before the passage of this act. The application of the said money as aforesaid shall be made through the said commission consisting of the County Treasurer, President of the Levy Court and Clerk of the Peace of Sussex county.

Unlawful for Levy Court to contract any floating debt.

SECTION 7. It shall not be lawful for the said Levy Court to contract any floating debt or to borrow any money in addition to the amount by law authorized by this act; *provided*

## OF THE LEVY COURT.

that in case of the destruction by fire of any of the public buildings of said county or of any accident to any bridge of said county, destroying the same or rendering it insecure, the Levy Court may, by a vote of two-thirds of its members, provide for such emergency by temporary loan or loans until after the next ensuing session of the General Assembly.

SECTION 8. In case of any violation of Section 7 of this act the members of the Levy Court voting in favor of said violation, shall be personally liable for any debt or debts so incurred. Penalty for violation of act.

SECTION 9. That the faith of Sussex county is hereby expressly pledged for the payment of the principal and interest of the bonds to be issued and sold by authority of this act; and the said bonds shall be exempt from taxation by the State or county for any purpose, and it shall be so stated by the advertisements for the proposals by this act authorized. Faith of county pledged. Bonds exempt from taxation.

SECTION 10. It is hereby made the duty of the County Treasurer, President of Levy Court and Clerk of the Peace of Sussex county in having having the said bonds prepared, to cause all blanks in the forms of said bonds and coupons hereinbefore prescribed, to be appropriately filled in conformity with the provisions of this act. Duty of the Commission to fill out bonds.

SECTION 11. All the expenses incurred by the County Treasurer, President of Levy Court and Clerk of the Peace in Sussex county in advertising for proposals, in causing the said bonds to be prepared, and in serving notices on the bidders to whom awards have been made, or in returning checks to unsuccessful bidders, shall be allowed to them, and paid by the County Treasurer out of any unappropriated funds in the treasury, he producing the necessary vouchers therefor as by law required with reference to other disbursements of the public funds. Expenses, how paid.

SECTION 12. For the services required to be performed by the County Treasurer, President of Levy Court and Clerk of the Peace of Sussex county under this act, the said several officers shall respectively receive such compensation as may be deemed just by the Levy Court of Sussex county. Compensation of commissioners.

SECTION 13. That the Levy Court of Sussex county, in fixing the rate of taxation, shall annually provide for a sum equal and sufficient to meet the interest due on the said sum borrowed and also the principal of said loan as the same shall become due and payable under the provisions of this act, Levy Court shall provide by taxation sum sufficient to meet principal and interest when due.



## OF THE LEVY COURT.

which shall, when collected and paid to the treasurer of said county, be set apart by him in a separate account to be opened for that purpose and designated as the "Sinking fund account for the loan of 1887," and the said treasurer shall apply such amount of said sum semi-annually as will pay the interest due on said loan and such amount thereof from time to time as will be necessary to pay off said bonds at maturity.

*Passed at Dover, April 7, 1887.*

## CHAPTER 14.

## OF THE LEVY COURT.

AN ACT to authorize the Levy Court of Kent County to Appoint a Constable in Milford Hundred.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. That the Levy Court of Kent county is hereby authorized and empowered to appoint some suitable person constable of Milford hundred although he may not have been a resident therein for six months prior to said appointment; *provided, however,* that this act shall not continue in force for a longer period than one year from the date of its passage.

*Passed at Dover, April 13, 1887.*

Authority  
to appoint a  
constable  
for Milford  
hundred.

Proviso.

## OF THE LEVY COURT.

## CHAPTER 15.

## OF THE LEVY COURT.

AN ACT to Authorize the Levy Court of New Castle County to Rebuild the Bridge over the Brandywine Creek in the City of Wilmington, at Market Street.

WHEREAS the Levy Court of New Castle county is about <sup>Preamble.</sup> to rebuild and reconstruct the bridge over the Brandywine Creek in the City of Wilmington at Market Street, and it may be considered expedient and necessary to widen the same,

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. That the Levy Court of New Castle county shall have, and is hereby granted full power and authority to rebuild and reconstruct the bridge over the Brandywine Creek in the City of Wilmington at Market Street, and to widen the said bridge to such an extent as in their discretion may be deemed best for the necessities of public travel and convenience. <sup>Levy Court empowered to rebuild bridge over Brandywine.</sup>

SECTION 2. That whenever it shall be necessary for the Levy Court aforesaid for the purpose of building the said bridge and of widening the same as above provided, to enter in and upon and occupy for the purpose of building and widening said bridge any lands, tenements or hereditaments, the owner or owners of which refuse to permit such entry and occupation then it shall be lawful for the Superior Court of New Castle county, if in term time, or any judge of said Court in vacation, on application of either party, and at the cost and charge of the said Levy Court, to appoint five disinterested men of said county, who shall go upon the said lands, tenements or hereditaments and assess the damages of such owner or owners fairly and impartially taking into consideration all the benefits to be derived from or in consequence of said bridge to the said owner or owners, and the said commissioners shall certify their finding and award to both parties, whereupon the said Levy Court on paying the damages so assessed shall become entitled to have, use and enjoy the said lands, tenements and hereditaments, for the purpose by them required, forever. And in case the owner or owners of any lands, tenements or hereditaments necessary <sup>In case owners refuse to permit entry upon lands. To appoint five disinterested men to assess damages at cost of Levy Court. Upon payment of cost Levy Court shall enjoy and use said lands.</sup>

## OF THE LEVY COURT.

In case of  
minors, non-  
residents,  
etc., how  
Levy Court  
shall pro-  
ceed.

for the purpose of the Levy Court aforesaid shall be a minor, non-resident or for any cause incapable of receiving or unwilling or neglecting to receive said damages the said Levy Court may deposit the amount of the said damages to the credit of the said owner or owners in the branch of the Farmers' Bank at Wilmington, subject to his, her or their order, whereupon the said Levy Court shall be entitled to have, use and enjoy the said lands, tenements and hereditaments and premises required for the purpose aforesaid for or on account of which damages shall have been so assessed. The expenses of the assessment of said damages shall always be paid by the said Levy Court.

Expenses,  
how paid.

*Passed at Dover, April 20, 1887.*

## CHAPTER 16.

## OF THE CLERK OF THE PEACE.

AN ACT to Amend Section 15, Chapter 9, of the Revised Code of the State of Delaware.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Section 15,  
Chapter 9,  
of the Re-  
vised Code  
amended.

SECTION 1. That Section 15, Chapter 9 of the Revised Code, of the State of Delaware, be and the same is hereby amended by striking out all of said section after the word licenses in the third line thereof, and inserting in lieu thereof the following words, to wit: And he shall select as such justices, one from each of the towns in his county having the largest number of inhabitants. It shall not be lawful for any other person than such Clerk or Justice to dispense or distribute said licenses.

Unlawful  
for any per-  
son except  
clerk or jus-  
tice to dis-  
pense  
licenses.

*Passed at Dover, March 27, 1887.*

## TITLE SECOND.

## Of the Public Arms and Defense.

## CHAPTER 17.

## OF THE PUBLIC ARMS AND DEFENSE.

AN ACT to Amend an act entitled, "An act to Incorporate the Trustees of the Milford Armory," Chapter 582, Volume 17, of the Laws of Delaware.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, two-thirds of each branch thereof concurring herein:*

SECTION 1. That Chapter 582, Volume 17, of the Laws of Delaware, be and the same is hereby amended by striking out the names of "C. A. Blair, Frank Reedy, S. N. Gray," in line 1, Section 1, and inserting in lieu thereof the names of Seymour Smith and J. J. Foulk and striking out the letter "S" from the word "Organizations," in lines 4, 9 and 11, (Section 2) and striking out the words "the organization known as the Governor's Cavalry," in line 5 and 6, Section 2, and also "their," in line 11, Section 2, and "each of," in line 7, Section 3, and change "Companies" to company, and to strike out "to which such trustees belonged" in line 14.

SECTION 3. \* It shall be the duty of the trustees, or a majority of them, to issue a call to the members of the company in such manner as they or a majority of them may deem proper, at least five days prior to the date of the meeting. Said meeting shall be held annually hereafter on the second Monday in March, at any hour or hours as they or a majority of them may determine, notice of which time shall be given at such time and in the same manner as the company shall be notified. At such meeting they shall proceed to elect by ballot a board of trustees consisting of six members of the company to serve for the ensuing year. It shall be the duty of the presiding officer of such meeting forthwith, after such election, to certify in writing the result thereof to said corporation and such certificate shall be *prima facie* evidence of the result of said election.

*Passed at Dover, March 14, 1887.*

\*So enrolled.

Chapter 582,  
Volume 17,  
of the Laws  
of Delaware  
amended.

Duty of  
Trustees.

Time of  
holding  
meeting.

Trustees,  
how elected.

Duty of  
presiding  
officer.

## OF THE PUBLIC ARMS AND DEFENSE.

## CHAPTER 18.

## OF THE PUBLIC ARMS AND DEFENSE.

## AN ACT to Further Amend Chapter 15 of the Revised Code.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. That Chapter 15 of the Revised Code as amended be and the same is hereby amended as follows, namely: Add to Section 24 of said chapter, as amended by Chapter 429 of Volume 17 of the Laws of Delaware, the following:

Non-commissioned officers and privates furnished copy of specifications and charges. Every non-commissioned officer and private against whom charges are preferred, shall be furnished with a copy of the charges and specifications against him, at least ten days before the time fixed for the hearing of the same, and in case any non-commissioned officer or private to whom a copy of the charges and specifications against him shall be so furnished

Neglect or refusal to appear when summoned deemed guilty.

Section 23 of Chapter 15, attendance of witnesses.

The presiding officer to administer oaths and issue summonses, &c.

Quartermaster-General shall present his accounts, &c. and draw his warrant, when.

Penalty for absence from annual encampment, except in cases of

and who shall have been duly summoned, shall neglect or refuse to appear and make his defence he shall be deemed by the court guilty of the charges and specifications and shall be sentenced accordingly, unless he be prevented from attending as in this chapter is elsewhere provided. The provisions of Section 23 of this chapter in relation to the attendance of witnesses shall be applicable in the case of court martials held for the trial of non-commissioned officers and soldiers. The presiding officer of any court martial shall have authority to administer oaths and affirmations to witness, and to issue under his hand in the name of the State directed to any sheriff or constable of the State whose duty it shall be to serve or execute the same, all necessary summonses, subpoenas, warrants and commitments.

Add to Section 29 of said Chapter 15, the following: The Quartermaster General shall present his account with the vouchers to the Commander-in-Chief for his approval and shall draw his warrant for the amount to be approved by the Commander-in-Chief upon the State Treasurer who shall forthwith pay the same.

Add to Section 30 of said Chapter 15, the following: Any officer or soldier absenting himself from the annual encampment except upon a surgeon's certificate of disability, sickness, death or loss of position certified to by the employer, shall,

## OF THE PUBLIC ARMS AND DEFENSE.

upon conviction thereof by a court martial, be fined if a sick-  
 commissioned officer not more than fifty dollars or less than death or loss  
 twenty-five dollars, or if a non-commissioned officer or soldier of position.  
 These shall be paid to each commissioned officer for each  
 day's attendance for duty at the annual encampment the sum Compensation  
 of two dollars and to each non-commissioned officer and for at-  
 soldier present for duty the sum of one dollar for each day's tending at  
 attendance. Duplicate pay rolls for the field and staff shall the annual  
 be prepared and certified to by the regimental commander; encamp-  
 the rolls shall show the daily attendance at the annual ment.  
 encampment of each member of the field and staff. Pay rolls  
 in duplicate shall be prepared by the several company Pay rolls  
 commanders showing the daily attendance at the annual how pro-  
 encampment of each officer, non-commissioned officer and cured.  
 soldier of the company. The correctness of the rolls shall How certi-  
 be certified to by the company commanders. The rolls of fied and to  
 the field and staff and the several companies when so certified whom for-  
 shall be forwarded by the regimental commanders to the warded.  
 Quartermaster General for his inspection and approval, and  
 when so approved one copy thereof shall be returned to the  
 regimental commander for the use of the field and staff and  
 the several companies; and the other copy thereof shall be  
 sent to the Quartermaster General who shall thereupon draw  
 his warrant for the aggregate amount of the said rolls to  
 be approved by the Commander-in-Chief upon the State  
 Treasurer who shall forthwith pay the same. The Quarter-  
 master General shall then pay to the regimental commander  
 the aggregate amount of the pay roll of the field and staff  
 and to each company commander the aggregate amount of  
 his company pay roll, taking from each such officer his  
 receipt for the same. The regimental commander shall then  
 pay to each member of the field and staff and non-commis-  
 sioned staff the amount due him, taking his receipt on the  
 pay roll returned for that purpose. Company commanders  
 shall pay to each member of their respective commands the  
 amounts due them respectively and take their receipts on the  
 company pay rolls so returned to them as aforesaid.

Add to said Chapter 15, the following new sections:

SECTION 34. Every organized company of infantry shall  
 be required to drill as a company at least twelve times in each  
 year, at all of which drills there shall be present one-half of  
 the total membership of the company. Any company failing  
 to hold all of said drills with the attendance as herein  
 required, shall forfeit the annual appropriation provided by  
 tion.

## OF THE PUBLIC ARMS AND DEFENSE.

Amount  
forfeited,  
how distri-  
buted.

Section 33 of this chapter and the amount so forfeited shall be distributed *pro rata* among the companies complying with the provisions of this section.

Company  
command-  
ers shall  
make semi-  
annual re-  
ports.

Reports  
when and  
how made.

Failure to  
make re-  
ports works  
a forfeiture.

SECTION 35. All company commanders shall make semi-annual reports of their commands in such manner as the Commander-in-Chief may direct. The reports shall be made to the first days of June and December in each year and shall be forwarded to the Regimental Headquarters within fifteen days thereafter, and a copy thereof at once made out and sent to General Headquarters. Any company commander failing to make semi-annual reports and forward them as required by this section shall, for every such failure, upon conviction thereof, have forfeited from his company's annual appropriation the sum of ten dollars, which shall be appropriated to the use of the Regimental Headquarters.

Addition to  
staff of the  
Command-  
er-in-  
Chief.

Duty of the  
Inspector of  
Rifle Prac-  
tice.

Adjutant-  
General  
shall cause  
to be deliv-  
ered medals  
when.

SECTION 36. There shall be added to the staff of the Commander-in-Chief an Inspector of Rifle Practice, with the rank of Lieutenant-Colonel, whose duty it shall be to make such orders, upon the approval of the Commander-in-Chief regulating the rifle practice among the guard as he shall deem proper, and shall keep or cause to be kept a complete and true record of the score of each member of the Guard, and shall annually make a report to the Adjutant-General of the result of the year's rifle practice, and generally to do and perform all the duties incumbent upon him according to the Army Regulations of the United States. And the Adjutant-General shall cause to be delivered to the person or persons entitled by the said report of the Inspector of Rifle Practice such medals or badges as shall be designated and furnished by the board of officers of the State or which may be donated for such purposes.

\$100 annual-  
ly appropri-  
ated for the  
contingent  
expenses of  
the Adjutant-  
General's office.  
Adjutant  
General au-  
thorized to  
draw upon  
the State  
Treasurer.

SECTION 37. That the sum of one hundred dollars annually be and the same is hereby appropriated out of the funds of the State for the contingent expenses of the Adjutant-General's office. And the Adjutant-General is hereby authorized to draw his draft upon the State Treasurer from time to time for the same and he shall bi-ennially furnish to the committee of the Legislature appointed for that purpose his receipts and vouchers for settlement.

*Passed at Dover, April 11, 1887.*

## OF THE PUBLIC ARMS AND DEFENSE.

## CHAPTER 19.

## OF THE PUBLIC ARMS AND DEFENSE.

## AN ACT to Incorporate the Trustees of the Georgetown Armory.

*Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met, (two-thirds of each branch of the Legislature concurring therein):*

SECTION 1. That William H. Boyce, Charles W. Cullen, Alfred C. McGill, Robert T. Hart, Sylvester W. Truitt, and Charles L. Moore, and their successors, chosen in accordance with the provisions of this act hereinafter contained, be, and they are hereby created and declared a body corporate and politic by the name and style of "Trustees of the Georgetown Armory," and by that name shall have succession for and during the period of twenty years from and after the passage of this act, and shall be able to sue and be sued, plead and be impleaded in all courts of record in this State or elsewhere at law or in equity, and shall have power to make and use a common seal, and to alter and amend the same at pleasure; and for the purposes of this act hereinafter set forth to take, receive, have, hold and enjoy by gift, grant, devise or bequest real and personal property of whatsoever kind or nature, and to use the same, and from time to time sell, grant, alien, mortgage, pledge or otherwise dispose of, and to make, ordain and establish such by-laws, rules and regulations, as shall be deemed necessary or convenient for the management and government of the affairs and business of said corporation, not being contrary to the constitution or laws of this State or of the United States; to appoint such officers and agents as shall be deemed necessary or convenient for the management of the affairs of said corporation, and generally to do all such acts or things as are or shall be necessary and proper to carry into effect the provisions of this act and promote the design of said corporation: *Provided, however;* that the provisions of this charter shall not confer any banking powers.

SECTION 2. That the purposes of said corporation are the erection, maintaining, fitting up and furnishing of a building or buildings in the town of Georgetown, to be used as an armory by the military organization having permanent headquarters in said town, to wit: The organization known



## OF THE PUBLIC ARMS AND DEFENSE.

as "Company G," of the State militia, and the acquiring and holding of such property, real or personal, within or without said town, for the use and benefit of said organization as shall by said corporation be deemed necessary or proper for the drilling of said organization or otherwise promoting its efficiency.

Vacancies  
of Trustees  
how filled.

SECTION 3. In the case of any vacancy or vacancies at any time occurring among the trustees constituting said corporation by reason of death, resignation, refusal to act or otherwise, the remaining member or members of said corporation shall forthwith cause written notice of the existence of such vacancy or vacancies to be given to the commanding officer of said company, and it shall thereupon become the duty of the commanding officer of the company or organization of which said corporation or trustee was a member, to call a meeting of all the members of said company to which said trustees belonged, to be held within ten days next succeeding the receipt by such commanding officer of notice aforesaid, for the purpose of electing a trustee or trustees to fill such vacancy or vacancies. The call for such meeting shall specify the vacancy or vacancies to be filled, and name the day, hour and place of such meeting. At such meeting a majority of the members present of the organization shall elect by ballot a trustee or trustees to fill such vacancy or vacancies, and it shall be the duty of the presiding officer of such meeting forthwith, after such election, to certify in writing, the result thereof to said corporation, and such certificate shall be *prima facie* evidence of the result of such election. In case of failure to fill any such vacancy or vacancies by election as aforesaid at the time specified in said notice as aforesaid, after the receipt by such commanding officer of notice as aforesaid, it shall be lawful for the remaining members of said board of trustees to elect, by ballot, or otherwise, a trustee or trustees to fill such vacancy or vacancies; or if there be only one remaining member of said board, it shall be lawful for him to appoint, in writing, trustees to fill the vacancies in said corporation. If at any time, by reason of death, resignation, refusal to act or otherwise, there shall be no members of said corporation living or willing and able to act, said corporation shall not become dissolved thereby, but upon report in writing by the Adjutant-General of the fact of there being no member of said corporation as aforesaid, it shall be the duty of the Governor to appoint some suitable person as a member of said corporation, and the trustee so appointed shall forthwith

Certificate  
of election  
to fill vacan-  
cy, evidence.

Failure to  
elect.

Vacancy,  
how filled.

When the  
Governor  
may ap-  
point.

## OF THE PUBLIC ARMS AND DEFENSE.

cause written notice of the remaining vacancies to be given, to be filled by the said organization and such proceedings shall be had for the filling of such vacancies as are above provided in other cases of vacancies. <sup>Duty of the person appointed.</sup>

SECTION 4. At any stated or special meeting of said corporation for the transaction of business, the enactment of by-laws or the doing of any other business or things within the power of said corporation, a quorum shall consist of four members; *provided, however,* that nothing contained in this section shall be taken to conflict with the provisions of this act regulating the election or appointment of trustees. <sup>Quorum. proviso.</sup>

SECTION 5. This shall be deemed and taken to be a public act.

*Passed at Dover, March 21, 1887.*

## TITLE THIRD.

### Of Elections.

#### CHAPTER 20.

##### OF ELECTION OF ASSESSORS AND INSPECTORS.

AN ACT to Amend Chapter 29, of Volume 17, of the Laws of Delaware, in Relation to the Election of Assessors and Inspectors.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Section 7. SECTION 1. That Section 7, of Chapter 29, of Volume 17, of the Laws of Delaware, be, and the same is hereby amended by striking out all of said section after the word "aforesaid," in line 10, and before the word "but," in line 19, and insert the following in lieu of the words so stricken out: "The Levy Court Commissioner of the hundred in which such vacancy shall happen shall appoint some qualified voter of such district or hundred to be the inspector thereof, who shall have all the powers and perform all the duties given to and imposed upon inspectors of elections; and in case of such vacancy it shall be the duty of the Clerk of the Peace of the County in which such vacancy may happen to notify the Levy Court Commissioner of the hundred in which the vacancy exists, who shall immediately upon receiving such notice appear in the office of the Clerk of the Peace of the county and appoint some person to fill such vacancy."

*Passed at Dover, February 23, 1887.*

Section 7,  
Chapter 29,  
Volume 17,  
Laws of  
Delaware  
amended.

Levy Court  
Commissioner upon  
happening  
of vacancy  
shall ap-  
point a  
qualified  
voter in-  
specter.

Shall have  
same pow-  
ers as in-  
specter of  
election.

Duty of  
Clerk of the  
Peace.

Duty of  
Levy Court  
Commis-  
sioner.

## OF ELECTIONS.

## CHAPTER 21.

## OF ELECTIONS.

## AN ACT in Relation to Primary Elections.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. That every election hereafter to be held by any political party, organization or association, for the purpose of nominating or selecting candidates by ballot to be voted for at any subsequent election, or for the purpose of selecting delegates or representatives to any political convention thereafter to be held for the purpose of selecting candidates as aforesaid, shall be held by one presiding officer and two judges at each voting precinct, and if it should so happen, that but one person as presiding officer or judge should have been appointed by such political party, organization or association to hold such election, or having been appointed and being absent, the electors there present at the hours appointed for opening such election shall proceed without ballot to choose from among the qualified voters of the election district there present a presiding officer, judge or judges as the case may require, and in choosing such presiding officer, judge or judges two qualified voters of the district to be nominated and appointed by the electors, shall be the judge or judges.

Manner in which elections shall be held.

In case there is but one presiding officer or judge or being absent presiding officer or judge, how chosen.

Who are eligible.

SECTION 2. Before opening the election, the presiding officer and judges shall each take an oath according to the following form, viz: I do solemnly swear (or affirm) that in the election to be this day held, I will not knowingly or wilfully, receive or consent to the receiving of the vote of any alien, and also, that I will not receive or consent to the receiving of the vote of any person whom I shall believe not entitled to vote, unless my associates shall adjudge such person to be entitled to vote. That I will not receive or reject, nor concur in receiving or rejecting any vote through partiality or under bias, and that I will determine every matter that shall come before me and perform every act and duty by law required of me, touching the said elections truly, faithfully and impartially, according to the best of my skill and judgment: that I will cause the ballots that shall be taken at this election to be fully read

The presiding officer and judges shall take an oath.  
Form of oath.

## OF ELECTIONS.

and ascertained, and a true statement thereof to be made, according to the best of my knowledge and ability, and if I shall discover any partiality, unfairness, or corruption, in the conducting of the said election, I shall disclose the same to the executive authority that shall have directed the holding of the election, and to the Attorney-General to the end that the subject may be investigated, so help me God (or so I solemnly affirm.)

Oath or affirmation how administered.

SECTION 3. The oath or affirmation prescribed in the preceding section shall be administered to the judges by the presiding officer, and by one of them to him, each of whom are hereby empowered and directed to administer oaths pursuant to the provisions of this act.

Judges shall choose a clerk of election. Clerk shall make oath or affirmation. Form of oath.

SECTION 4. Each of the said judges after being duly qualified, shall choose one clerk of the election, to whom the presiding officer or one of the judges shall administer the oath or affirmation as follows, viz.: You do solemnly swear (or affirm) that as clerk of this election, you will not use or assent to any falsehood, fraud, or deceit and that you will keep the polls and perform your duties truly, faithfully, and impartially, so help you God (or so you solemnly affirm). If in reading the votes and keeping the tally lists it shall become necessary to appoint one or more additional clerks, the presiding officer and judges may do so, administering to each clerk so appointed the foregoing oath or affirmation.

Additional clerks may be appointed. Must make oath or affirmation.

Holding elections without being qualified and sworn a misdemeanor.

Penalty.

SECTION 5. Any presiding officer, judge or clerk who shall hold any election for the selection of candidates as aforesaid, without first having been qualified and sworn as is hereinbefore provided, shall be deemed guilty of a misdemeanor, and shall forfeit and pay the sum of \$100 to any person who may sue for the same, and upon conviction thereof by indictment, in the Court of General Sessions of the Peace and Jail Delivery, in the county where such offense was committed, shall forfeit and pay the sum of two hundred dollars, one half for the use of the State and the other half to the informer, and be imprisoned in the county jail until all fines, forfeitures and costs be paid in full.

Presiding officer and judges must provide ballot boxes

SECTION 6. Before opening the election, the presiding officer and judges shall provide for the purpose, two ballot boxes of sufficient size to contain all the ballots of the election district, with one of the tally lists and certificates of election. In the lid of one of the boxes, there shall be a hole sufficient only to admit with convenience one ballot, the lid of the other box shall be without a hole, and before opening

Character of boxes to be furnished.

## OF ELECTIONS.

the election the presiding officer and judges shall, in the presence of the electors there present, examine the ballot-box having a hole in the lid thereof, and see that the same contains nothing, the box shall then be publicly closed and the lid securely fastened, and shall be kept by the presiding officer until the same shall be opened as hereinafter directed.

Ballot boxes must be examined openly before election.

SECTION 7. The qualification of electors under this act shall be such as the political party, organization or association authorizing such election, may prescribe and publish, *provided, however*, that no person shall be legally qualified to vote who will not be qualified to vote at the succeeding election, for which candidates are then being selected, and in default of any prescribed or published rule, the past usages of such political party or organization, shall be recognized and adopted, and ignorance of such past usages shall be no defense against any of the penalties of this act and the court shall construe such usages according to equity and justice.

Qualification of electors, how determined.

If there be no rules qualification how determined.

Ignorance no defense.

SECTION 8. If a vote be objected to its admission or rejection shall be determined according to the opinion of a majority of the judges, but either of the judges may require the presiding officer to administer to the person claiming to vote, the following oath or affirmation, viz: You do solemnly swear (or affirm) that you are a legally qualified voter under the rules of the party, or organization, or association authorizing this election, that you will be legally qualified to vote at the following election for which candidates are now being selected to be voted for; that you are at this time a *bona fide* resident of this election district, that you have not voted and will not vote at any other place on this day. Any person refusing to take such an oath, (or affirmation) if so required, shall not be permitted to vote, but no person shall be required or permitted to take such oath (or affirmation) if the judges or a majority of them, shall from their own knowledge or from the circumstances appearing, consider that such person is not entitled to vote, and where the objection is based upon the inability or right of such person to vote at the election for which candidates are then being selected, the presiding officer, or either of the judges, may require the production of such evidence as would be required to entitle such person to vote at any general election.

How a right to vote shall be determined.

Presiding officer may administer oath.

Form.

Person refusing to take oath or affirmation shall not be permitted to vote.

Presiding officer may require evidence in certain cases.

SECTION 9. If any person shall, in taking such oath or affirmation mentioned in the foregoing section, swear or affirm falsely, he shall, upon conviction, be subject to the same penalties and punishment as shall, at the time, be provided by law against wilful and corrupt perjury.

Persons swearing or affirming falsely shall be subject to the penalties provided by law against perjury.

## OF ELECTIONS.

Person attempting to vote illegally guilty of a misdemeanor.

Penalty.

SECTION 10. If any person not being a qualified voter under the published rules of any political party, organization, or association, authorizing the holding of such election and a legally qualified voter under the provisions of this act, shall by any fraud, deceit or pretence, vote, or attempt to vote at such election, or if any person shall vote or attempt to vote more than one time on the same day or to vote in any other election district than the one in which he is a *bona fide* resident, or vote or attempt to vote more than one ballot at any election district, such person shall, for every such offence, be deemed guilty of a misdemeanor and shall, upon conviction, be fined not less than one hundred dollars and be imprisoned for the term of one year, and be forever debarred from the privilege of voting or holding any office of profit or trust in this State.

Any person who shall bribe, reward, or induce, or attempt to bribe, reward, or induce, counsel or advise any presiding officer, judge or clerk to falsify returns or falsify certificates or false poll list of any such election, or practice any fraud, deceit or do anything whereby a fair and impartial election may not be held, or a correct count of the ballots, and correct certificates shall not be made, or to bribe, reward or advise any person to vote or offer to vote, contrary to the provisions of this act, such person shall be deemed guilty of a misdemeanor, and upon conviction by indictment, shall be fined five hundred dollars, and be debarred from holding any office of profit or trust in this State for the space of five years, and if already in office, the same shall be immediately forfeited together with all emoluments.

Penalty.

If any presiding officer or judge knowingly and willfully receive, advise or consent to the receiving of an illegal vote, or refusing a legal vote, or every offence shall be deemed guilty of a misdemeanor.

Conviction upon indictment may be pleaded in abatement.

SECTION 12. If at any such election, the presiding officer and judge shall knowingly and wilfully receive, or advise, or consent to the receiving of the vote of any person not entitled to vote at such election, or if such presiding officer or judge shall knowingly and wilfully refuse to receive the vote of any person entitled to vote at such election, every such presiding officer or judge shall, for every such offense, forfeit and pay the sum of one hundred dollars to any person who will sue for the same, or shall, for every such offense, be deemed guilty of a misdemeanor and upon indictment and conviction, be fined not less than one hundred dollars, and in either case, be imprisoned until the fines, forfeitures and costs are paid in full or discharged by the court, both of the aforesaid penalties shall not be incurred for the same offense, and a conviction upon indictment and judgment in

## OF ELECTIONS.

an action of debt, may be pleaded in abatement of the alternative proceeding, but in all cases, an offender under this section shall be further liable to indictment and punished as in other cases for wilful and corrupt perjury in having violated his oath or affirmation as such presiding officer or judge.

Additional  
penalty.

SECTION 13. If any presiding officer of any such election or other person shall wilfully destroy, secrete, conceal, embezzle or purloin, or in any manner counterfeit, alter or vary any certificate of such election or in any manner commit any deceit or fraud in reading or counting the ballots or certification of the result, or shall do any act or thing whereby to prevent a true and impartial certificate from being duly produced, returned or delivered to the proper authority, such presiding officer or other person shall, for every such offense, be deemed guilty of a misdemeanor and be subject to the penalties prescribed in the preceding section, and in addition thereto, shall not be permitted to hold any office of profit or trust for the space of five years.

Presiding  
officer or  
other per-  
son wilfully  
destroying,  
secreting,  
concealing,  
embezzling  
or counter-  
feiting, al-  
tering or  
varying a  
certificate  
&c., guilty  
of a misde-  
meanor.

Penalty.

SECTION 14. Each of the clerks appointed as aforesaid, shall keep a correct poll list, entering thereon the name of every voter and adding at the end of each name the number of each voter in the order in which they are received, so that the number of ballots received and voted may be apparent at any time during the election; said poll lists shall be publicly kept and in full view of the voters from the opening to the closing of the polls.

Clerks shall  
keep a cor-  
rect poll list.

Poll lists  
shall be  
publicly  
kept.

SECTION 15. Each qualified elector shall deliver a single ballot containing the names of the persons voted for to the presiding officer, who shall audibly pronounce the name of the elector, which shall be entered in words at length upon the list of polls to be kept by each of the clerks whom the judges shall direct to do that duty. There shall be no examination of a ballot except to determine that it is single, and the presiding officer shall, immediately after pronouncing the name of the voter, put the ballot in the box having a hole in the lid, in his presence, unless the vote shall be objected to, but if upon examination as aforesaid or otherwise, the voter shall be detected in attempting to vote more than one ballot such voter shall not be permitted to vote at such election, and the presiding officer shall immediately bring the offense to the knowledge of some justice of the peace in the county, who shall cause the arrest of the offender, and upon satisfactory evidence, hold him in sufficient bonds for his appearance at the Court of General Sessions of the Peace and Jail

Elector  
shall deliv-  
er a single  
ballot.

There shall  
be no ex-  
amination  
of ballot,  
except  
when.

Person at-  
tempting to  
vote more  
than one  
ballot.  
Presiding  
officer shall  
inform jus-  
tice of the  
peace.  
Duty of jus-  
tice of the  
peace.



## OF ELECTIONS.

Presiding officer neglecting to inform justice, any person may do so.

Delivery, to be dealt with as is herein provided; and should the presiding officer of such election neglect or refuse to lodge such information without delay with the justice of the peace as aforesaid, it shall be competent for any other person to do so.

Time of holding and closing the election.

Person committing assault and battery, or in any manner to interrupt or disturb the election or officers thereof shall be held to surety of the peace.

Failure to give surety to be committed to prison and pay a fine.

SECTION 16. Such election shall be held and be opened and closed at such place, times and such hours, as may be prescribed by the political party, organization, or association, in whose interest such election may be authorized to be held; and if any person shall, on the day of such election, or during the reading and tallying of the votes at any place where such election is held, or within one mile thereof, commit an assault and battery, or if any person shall interrupt or in any way disturb the election, or the officers thereof, or any of them, in the performance of their duties, either in receiving, reading, or tallying the votes, every such person shall for every such offense, be liable to be held to surety of the peace, and on failure to give such surety forthwith to be committed to prison, and shall further forfeit and pay to the State a fine of not less than twenty dollars, nor more than one hundred dollars.

Upon close of election shall openly remove the lid of box.

Ballot shall be read publicly.

Box to be in the possession of one of the judges.

Two clerks at least shall keep count of ballots. Manner of keeping the count.

There shall be no adjournment.

SECTION 17. When the election shall be closed the presiding officer and judges shall openly and publicly remove the lid of the box containing the ballots, so that the ballots can be taken separately from the box, one of the judges shall keep in his custody the said box, while another shall publicly and in the presence of the other judges and such electors as shall think proper to be present, take the ballots one by one from the box and read the same. When a ballot shall be read it shall be submitted to each of the other judges for inspection, if demanded, and put in the other box directed to be procured in Section 6, it being first seen that the said box contains nothing, and the same being kept during the reading in the possession of one of the judges; and two clerks at least shall keep an accurate account of the ballots as they are read, which shall be done on tally sheets, as aforesaid, by writing the name of every person voted for on the margin under a designation of the office for which the vote is given to him, and making a district mark with a pen and ink in a row against such name for every vote such person shall receive for the same office. The reading and counting shall continue without interruption or adjournment until completed.

Presiding officer and judges upon

SECTION 18. When the reading and counting of the ballots is completed, the presiding officer and judges shall forthwith

## OF ELECTIONS.

make and sign two correct certificates of the election in their election district, stating the name of every person voted for and the number of votes received for each person for said office. The tally sheets shall be signed by the presiding officer, judges and clerks, and deposited with one of said certificates in the box into which the ballots have been put when read, and the lid of said box shall be securely fastened by one of the judges, the other certificate and the box containing the ballots shall be delivered without delay to the person by whose authority, acting in his official capacity, such election may have been called, to be disposed of in such manner as may be directed by the party, organization, or association, in whose interest such election may be held.

completion  
of counting  
and reading  
ballots sign  
certificates.  
What certi-  
ficates shall  
contain.

Box con-  
taining bal-  
lots and cer-  
tificate to be  
delivered to  
person au-  
thorized to  
call election

*Provided*, however, that such certificate and ballot box shall be securely kept by such person for the space of thirty days, and in the event of any contested nomination be produced and delivered to the proper executive authority for examination and adjudication.

Proviso.

SECTION 19. In addition to the penalties hereinbefore named, every offender shall be liable in special damages to any person who may sustain injury in consequence of a practice of fraud, deceit or a wilful violation of any of the provisions of this act.

Special  
damages al-  
lowed in  
what cases.

SECTION 20. That this act shall apply solely to New Castle county, and the laws now in force prohibiting the sale of intoxicating liquors on the day of any general, special or municipal election are hereby excepted and shall not apply to any election contemplated by this act.

Act applies  
solely to  
New Castle  
County.  
Sale of in-  
toxicating  
liquors shall  
not apply to  
elections  
held under  
this act.

*Passed at Dover, March 29, 1887.*

## CHAPTER 22.

## OF ELECTIONS.

AN ACT Concerning the Appointment of Electors of President and Vice President.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. Any person intending to contest the election of anyone declared by the Governor to have been chosen an elector of President and Vice President of the United States,

Notice of  
contest of  
election of  
electors  
shall be  
given with-  
in ten days.

## OF ELECTIONS.

shall, within ten days after such declaration by proclamation of the Governor, give written notice of such intention to the person whose election he intends to contest and also to the Governor; and within five days after the delivery of said notice, shall deliver to the person whose election he contests and to the Governor written specification of the grounds upon which it is intended to contest the said election of the person so declared to have been elected as aforesaid; and if one of the grounds shall be that illegal votes were given at such election for the person declared to have been elected, then such specification shall particularly set forth the name of each alleged illegal voter, with the several objections to the legality of his vote; and shall also distinctly set forth and state the hundred and election district or precinct at which the alleged illegal vote was cast.

Shall deliver within five days written specifications of grounds.

Hundred election district or precinct shall be stated.

SECTION 2. The person declared to have been elected as aforesaid and who has received notice of contest as aforesaid, shall, within ten days after receiving specification of the grounds of contest, deliver to the person so contesting his election, and to the Governor a like specification of objection to the right of the contestant to be declared an elector; and in such specification may also state any other ground upon which he rests the validity of his election.

Person whose seat is contested shall within ten days deliver to person contesting and Governor is objection.

SECTION 3. Every specification as aforesaid shall be verified by the affidavit of the party delivering the same, stating that he verily believes that the grounds of objection set forth are substantially true; and that the voters specified as illegal voters were not entitled by law to vote at the election in question.

Specification shall be verified by affidavit.

SECTION 4. The notice and specification verified as aforesaid, which shall have been delivered to the Governor, shall be by him delivered to the canvassing board, hereinafter created, together with the certificates of the votes given for each person voted for elector as returned to him by the respective boards of canvass under the election laws of this State, on the first day of the assembling of the canvassing board herein created.

Specification verified to be delivered to canvassing board.

SECTION 5. In the trial of the case of a contested election the parties shall be restricted to the grounds of objections in the specifications set forth; and the statements of the other grounds upon which the person declared to have been elected rests the validity of his election; and shall not examine into the illegality of any other voter other than those specified as

Parties shall be restricted to ground of objection in specifications.

## OF ELECTIONS.

illegal, nor impeach such votes for any causes other than those so specified as aforesaid.

The illegality of other votes shall not be inquired into.

SECTION 6. Where any contestant or person who has been declared elected, and whose election is contested, is desirous of obtaining testimony respecting a contested election, he may apply to the Prothonotary of the Superior Court of the State of Delaware, in and for Kent county, for a subpoena or subpoenas for summoning such witnesses as he may wish to appear before the Board of Canvass at such time as shall be in the subpoenas designated. Such subpoena shall be directed to the Sheriff of the county in which the witness or witnesses reside, and shall be served in the same manner as subpoena for witnesses in civil cases are served. The Sheriff to whom a subpoena may be directed shall make return of his service thereon to the said Board of Canvass on the first day of its meeting to hear the contest.

Party declared elected may apply to the Prothonotary of Kent County for subpoenas.

Subpoenas to be directed to Sheriff of County where witnesses reside.

Sheriff shall make return.

SECTION 7. The Superior Court of the State of Delaware, in and for Kent County, is hereby created and declared to be a Board of Canvass to hear and determine all contests of elections of electors of President and Vice President, with power to regulate and determine the mode of procedure, and all other matter pertaining thereto as may be necessary in carrying out the provision of this act and the act of Congress fixing the day of the meeting of electors, passed February 3, A. D., 1887; and it shall be the duty of the Governor whenever a notice of contest is served upon him immediately to make proclamation convening said Superior Court in special session at the Court House in Dover, on a day to be by him named, which shall not be later than the twentieth day of December, next succeeding the day of the election in the year in which the election was held.

Superior Court of State of Delaware for Kent County created a board of canvass.

Duty of the Governor.

SECTION 8. The said Superior Court, after having any contest of election of an elector or electors, shall make out and certify under the seal of the court the ascertainment of the vote of the State for electors, and also certify the names of the person chosen as electors, and cause said ascertainment and certificate, together with all the papers and certificates filed in the case, to be delivered to the Governor on or before the first day of January next succeeding the day of the election at which electors were chosen.

Duty of the Superior Court.

*Passed at Dover, April 21, 1887.*

## TITLE FOURTH.

### Of Certain Public Officers.

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#### CHAPTER 23.

##### OF THE AUDITOR OF ACCOUNTS.

AN ACT to amend an act entitled "An act to amend Chapter 30 of the Revised Code entitled of the Auditor of Accounts," passed at Dover, April 4, 1883.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Section 2 of  
Chapter 30,  
Laws of  
Delaware,  
amended.

SECTION 1. That Section 2 of the act entitled, "An act to amend Chapter 30 of the Revised Code entitled, "of the Auditor of Accounts," passed at Dover, April 4, 1883, be and the same is hereby amended by inserting after the words "Sembly," in the fifth line of said section, and before the word "which," in said line, the words "and three hundred copies for the use of the Legislative Committee.

*Passed at Dover, April 19, 1887.*

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#### CHAPTER 24.

##### OF THE RECORDER OF DEEDS.

AN ACT to authorize the Recorder of Deeds of Kent County to procure a new seal of office.

The Recorder of Deeds of Kent County authorized to procure a new seal of office.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. That Presley Spruance, Recorder of Deeds in and for Kent County, be and he is hereby authorized to

## OF THE RECORDER OF DEEDS.

procure a new seal for his office, to be made of brass of the diameter of one inch at least, and engraved with the devices of the present seal, which said seal when completed shall be taken and deemed to be the seal of the Recorder of Deeds of Kent County, in the State of Delaware, and shall thereafter be fixed to all writings, papers and records where the seal of said office is required, and the present seal shall be then broken up and destroyed by the said Recorder.

SECTION 2. That the Levy Court and Court of Appeals of Kent County shall pay the necessary costs and expenses of procuring the said new seal.

*Passed at Dover, February 8, 1887.*

## CHAPTER 25.

## OF THE RECORDER OF DEEDS.

AN ACT to authorize the Recorder of Deeds in and for New Castle County to make a certain Index.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. That the Recorder of Deeds in and for New Castle county, be and he is hereby authorized and required to examine the records of the mortgages in his office, indexed in the official direct mortgage indices of his office between the year A. D. eighteen hundred and thirty-two and the first day of January, A. D. eighteen hundred and eighty-four, and to mark on the indices of the same opposite the names of those which are satisfied, in red ink, the letter "S."

SECTION 2. *And be it further enacted,* That the said Recorder be and he is hereby authorized and required to cause to be made a true and correct copy of the direct indices of all unsatisfied mortgages which he shall find by his examination as aforesaid, from the year A. D. eighteen hundred and thirty-two to the first day of January, A. D. eighteen hundred and eighty-four.

Recorder of  
Deeds of  
New Castle  
County au-  
thorized to  
mark in in-  
dex mort-  
gages satis-  
fied, with  
letter "S."

Shall make  
a true and  
correct copy  
of the direct  
indices of  
unsatisfied  
mortgages.

## OF THE RECORDER OF DEEDS.

Commissioners appointed to examine same. Duty of commissioner.

Levy Court shall pay Recorder and commissioners, which shall be fixed by Superior Court.

SECTION 3. *And be it further enacted*, That Willard Saulsbury, Jr., George T. Brown and Benjamin B. Groves, be and they are hereby appointed commissioners whose duty it shall be to examine such new index, made as aforesaid, and if they approve of the execution and correctness of the same they shall certify the same to be a true and correct index, and that then and after such certification by said commissioners, the said new index shall become and be the official direct index of mortgages in the said Recorder's office for the term aforesaid in lieu of the indices now used therein.

SECTION 4. *And be it further enacted*, That the Levy Court of New Castle County shall pay to the said Recorder of Deeds and the Commissioners a just and reasonable compensation for their services, which compensation shall be fixed by the Superior Court of the State of Delaware, in and for said County, upon application thereto by said Recorder and said Commissioners. The compensation so fixed and paid for the services mentioned in this act shall be conclusive and final.

*Passed at Dover, April 4, 1887.*

## CHAPTER 26.

## OF RECORDER OF DEEDS.

AN ACT to authorize the Recorder of Deeds, in and for Kent County to make a new Index of Deeds, &c., from 1833 to 1875, and also copy and transcribe the Mortgage Index in the said office and to use the Campbell system of indexes in making and copying the same.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

The Recorder of Deeds of Kent County authorized to make new index.

SECTION 1. That the Recorder of Deeds in and for Kent county be and he is hereby authorized and directed to make or cause to be made a new index of deeds from 1833 to 1875 and [also to transcribe the mortgage index now in use in said office, and that he shall, in making said new index and transcribing and copying said mortgage index, use the Campbell System, and he is hereby authorized to procure such books as shall be necessary and proper for that purpose.

## OF THE RECORDER OF DEEDS.

SECTION 2. That Richard R. Kenney and John R. Nicholson be and they are hereby appointed commissioners whose duty it shall be to examine such indices after the same shall have been made and copied as provided in Section 1 of this act, and if they approve of the correctness thereof they shall so certify to the Levy Court of Kent county, and then and after such certificate the said indices shall become and be the indices of deeds and mortgages as aforesaid in said office.

SECTION 3. That the Levy Court of Kent county shall pay to said Recorder and the said commissioners a just and reasonable compensation for their services performed under this act.

*Passed at Dover, April 18, 1887.*

## CHAPTER 27.

## OF NOTARYS PUBLIC.

AN ACT to amend Chapter 407 of the 13th Volume of the Laws of Delaware

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. That Chapter 407 of the 13th volume of the Laws of Delaware, entitled "An act authorizing the Governor to appoint an additional Notary Public in New Castle County," be and the same is hereby amended by striking out of the third line of Section 1 of the said act the words "in or near the village of Glasgow."

*Passed at Dover, February 10, 1887.*



## OF NOTARY PUBLIC.

## CHAPTER 28.

## OF NOTARY PUBLIC.

AN ACT authorizing the appointment of a Notary Public for the "Security Trust and Safe Deposit Company" at Wilmington, Delaware.

Authority to appoint notary public for Security Trust and Safe Deposit Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch concurring):* That the Governor be and is hereby authorized to appoint a notary public for the "Security Trust and Safe Deposit Company" at Wilmington, Delaware, whose privileges and duties shall be confined \*exclusively to the business of the said Company and none other whatever.

Upon ceasing to hold any position under said company office shall be vacated.

SECTION 2. That the person so appointed notary public, under and by authority of this act, shall be an officer of the said Company, and if at any time afterwards and during the period whilst his commission as notary public would otherwise continue, said officer shall cease to hold any position with said Company as an officer thereof, the commission of such person as notary public shall expire and be vacated, and the Governor shall appoint another person who shall be an officer of said Company in his stead as notary public.

Inconsistent laws repealed.

SECTION 3. That this act shall repeal all laws or parts of law so far as they may be inconsistent herewith, and be deemed a public act.

*Passed at Dover, March 9, 1887.*

\*So enrolled.

## OF NOTARY PUBLIC.

## CHAPTER 29.

## OF NOTARY PUBLIC.

AN ACT authorizing the appointment of an additional Notary Public in Sussex County to reside within one mile of Dagsboro.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. That the Governor be and he is hereby authorized and empowered to appoint an additional Notary Public in and for Sussex County, to reside at or within one mile of the village of Dagsboro.

Additional notary public in and for Sussex County.

*Passed at Dover, April 21, 1887.*

## CHAPTER 30.

## OF PROTHONOTARIES

AN ACT authorizing the Prothonotary of New Castle County to Make a certain Judgment Index.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. That the Prothonotary of the Superior Court of the State of Delaware, in and for New Castle County, is hereby authorized and directed to make, or cause to be made, an Index (pursuant to the Campbell's system of indexing), of all unsatisfied judgments entered or signed in the Superior Court from the first day of January, A. D. eighteen hundred and thirty-two (1832) and extending up to and including the first day of November, A. D. eighteen hundred and seventy-three (1873).

Prothonotary authorized to make index of unsatisfied judgments.

SECTION 2. *And be it further enacted*, that if the Prothonotary of the Superior Court shall make said Judgment Index as aforesaid, then that John H. Rodney and Alexander B. Cooper, Esquires, be and they are hereby appointed Commissioners, whose duty it shall be to examine said new Judg-

Commissioners to examine.

## OF THE JUSTICES OF THE PEACE.

Approval  
and certifi-  
cation.Compensa-  
tion.Compensa-  
tion of Pro-  
thonotary.

ment Index and compare it with the original indexes and records. After the Prothonotary shall have completed it, and if they approve of the execution thereof, they shall certify on the records of the same to be a true and correct index, and that then and after such certificate, the said index shall become and be the Judgment Index of the Superior Court of the State of Delaware, in and for said County, for the period aforesaid, and the said Commissioners shall be allowed a reasonable compensation by the Levy Court of said County for their services.

SECTION 3. *And be it further enacted*, that the said Prothonotary shall receive for his services in making said index authorized by this act, a just and reasonable compensation, to be allowed by the Levy Court of New Castle County.

*Passed at Dover, April 18, 1887.*

## CHAPTER 31.

## OF JUSTICES OF THE PEACE.

AN ACT authorizing the Governor to appoint an additional Justice of the Peace in\* for Sussex County.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Additional  
Justice of  
the Peace  
in Sussex  
County  
authorized.

SECTION 1. That the Governor be and he is hereby authorized and empowered to appoint an additional justice of the peace in and for Sussex county, said additional justice of the peace to reside in North West Fork Hundred, in or near the village of Greenwood.

*Passed at Dover, March 2, 1887.*

\*So enrolled.

## THE JUSTICES OF THE PEACE.

## CHAPTER 32.

## OF JUSTICES OF THE PEACE.

AN ACT entitled an act to amend an act entitled an act to reduce the number of Justices of the Peace in the city of Wilmington, and for other places.

WHEREAS by an act entitled, "An act to reduce the number of justices of the peace in the City of Wilmington and for other purposes," passed at Dover, April 8th, 1881, being Chapter 340, Volume 16, of the Delaware Laws, the jurisdiction of the justices of the peace in and for New Castle is limited in certain cases to the hundred for which they are appointed and in which they reside, and to the adjoining hundreds, and judgments secured contrary to its provisions are declared to be void; and

WHEREAS the records of the justices of the peace in said county have uniformly failed to exhibit the residences of the parties to suits and the other requirements mentioned in said act limiting the said jurisdiction, thus subjecting all judgments rendered by the justices of the peace of said county from the date of said act to the present time to doubts as to their validity.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. That the said act entitled, "An act to reduce the number of justices of the peace in the City of Wilmington and for other purposes," be and the same is hereby amended, as follows: That no judgment in a civil suit rendered by or before any justice of the peace in and for New Castle county after the passage of said act and prior to the passage of this amending act, shall hereafter be reversed or invalidated, on account of one record of such judgment failing to exhibit the residence of the parties thereof. But all judgments otherwise rendered in violation of said act, whether remaining on the docket of the justice of the peace or transferred to the Superior Court docket of New Castle county are hereby declared to be void.

Preamble.

Act entitled an act to reduce the number of Justices of the Peace in the city of Wilmington and for other purposes, amended. No judgment shall be reversed on account record failing to exhibit residence of parties thereof.

*Passed at Dover, April 20, 1887.*

## OF THE BOARD OF HEALTH.

## CHAPTER 33.

## OF THE BOARD OF HEALTH.

AN ACT to amend chapter 345 of volume 16, of the Laws of Delaware.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Section 3 of  
Chapter 345,  
Volume 16,  
amended.

SECTION 1. That Section 3 of chapter 345, of volume 16, of the Laws of Delaware, be and the same is hereby amended by striking out all of said section after the word "said" in the thirty-sixth line thereof and inserting in lieu thereof "person or persons shall be deemed guilty of a common nuisance, and upon conviction thereof before a Justice of the Peace shall be fined not less than five dollars nor more than twenty dollars, with costs of suit, and stand committed to the County jail till the same be paid or until discharged by law."

Section 9 of  
said chapter  
amended.

SECTION 2. That Section 9 of said chapter be amended by striking out all of said section after the word "nuisance" in the fifteenth line thereof and inserting in lieu thereof "and upon conviction thereof before a Justice of the Peace shall be fined not less than five dollars nor more than twenty dollars, with costs of suit, and stand committed to the County jail till the same be paid or until discharged by law."

Section 10 of  
said chapter  
amended.

SECTION 3. That Section 10 of said chapter be amended by striking out all of said section after the word "shall" in the eighth line thereof and inserting in lieu "shall upon conviction thereof before a Justice of the Peace be fined not less than one dollar nor more than twenty dollars, with costs of suit, and stand committed to the County jail until the same be paid or until discharged by law."

Section 11 of  
said chapter  
amended.

SECTION 4. That Section 11 of said chapter be amended by striking out all of said section after the word "shall" in the seventh line thereof and inserting in lieu thereof "upon conviction thereof before a Justice of the Peace be fined not less than fifteen dollars nor more than twenty-five dollars, with costs of suit, and stand committed to the County jail till the same be paid or until discharged by law."

No appeal  
from the de-  
cision of the  
Justice of the Peace.

SECTION 5. That from the decision of the Justice of the Peace, under any of the provisions of this act, or to the one hereby amended, there shall be no appeal.

Inconsis-  
tent acts re-  
pealed.

SECTION 6. That all act or parts of acts inconsistent with the provisions of this act be and the same are hereby repealed.

*Passed at Dover, April 21, 1887.*

## TITLE FIFTH.

## Of Religion, Public Education and Health.

## CHAPTER 34.

## OF RELIGIOUS SOCIETIES.

AN ACT to amend an act entitled "An act to re-incorporate Camden Union Camp Ground for the Methodist Episcopal Churches of Delaware and Philadelphia," passed at Dover, February 19, 1879.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, two-thirds of each branch thereof concurring herein:*

SECTION 1. Strike out all after the figure 5, in Section 5, and insert in lieu thereof the following: The board of trustees shall fill vacancies occasioned by the expiration of the term for which they were elected, by electing persons to fill said vacancies as follows, viz: from Camden, Wyoming and Magnolia Circuits, or charges, person or persons nominated by the quarterly conferences of the said circuits or charges next preceding the annual meeting of the board of trustees, from Dover Station, by the election of persons to fill said vacancies nominated at a meeting of the male members at said station called for that purpose, by notice read from the pulpit in the church at said station, on the Sabbath next preceding such meeting. The board of trustees shall consist of nine from Camden Circuit, two from Wyoming Circuit, and one from Magnolia Circuit and two from Dover Station. In case the quarterly conferences of Camden, Wyoming and Magnolia Circuits, and the meeting of the male members of Dover Station, or either or any of them, shall refuse or neglect to nominate as aforesaid, then the remaining trustees may elect person or persons to fill such vacancy or vacancies from the circuit, charge, or station, so neglecting or refusing to nominate. Any trustee shall be eligible to re-election and shall be members of the Methodist Episcopal Church.

SECTION 2. Amend Section 7 by striking out all after the word "States" in the fourth line, and the word "whose" in the fifth line of said Section 7, and insert the following:

## OF RELIGIOUS SOCIETIES.

They may at any meeting appoint eighteen managers, and the ministers in charge of said circuit or station who shall take part in the management of the religious exercises at any camp meeting shall be ex-officio a member of the Board of Managers. Amend said Section 7 further by striking out all after the word "manager" in the twentieth line and to and including the thirty-fifth line in said section, and insert the following: The Board of Trustees may at any meeting appoint one person who shall be styled "Chief of Police." Before entering upon the duties of his office he shall be sworn or affirmed, by some person authorized to administer oaths, to perform the duties of his office honestly, faithfully and diligently. It shall be his duty to execute all laws enacted for the government of said camp meeting, and to carry into effect all orders and directions of the Board of Trustees or Board of Managers made in pursuance of any law of this State, or any rule that may legally be made and established. He shall have all the powers of a Justice of the Peace within one-half mile of the said camp meeting, and shall have jurisdiction and cognizance of all breaches of the peace and other offences so far as to arrest and hold to bail, or fine and imprison offenders; and also of all fines, forfeitures and penalties which may be prescribed by the Board of Trustees or Board of Managers for the good government of the camp meeting. He may administer oaths. The authority of the Chief of Police shall be limited to the time of the camp meeting, and four days preceding and succeeding the camp meeting. He shall in no case impose a fine exceeding ten dollars. All fines imposed by him shall be paid to the treasurer of the Board of Managers for the use of the corporation. The costs and fees shall be the same as is allowed to Justices of the Peace and Constables in like cases. The Board of Trustees may appoint one or more persons as police officers whose duty it shall be to arrest all persons during the time of the camp meeting, and four days preceding and four days succeeding the camp meeting, who shall be found within one-half mile of said camp meeting violating any of the rules adopted by the Board of Managers or Board of Trustees for the good government of the camp meeting, or who shall be guilty of any breach of the peace, or disorderly conduct, or violating any law of this State in relation to camp meetings, and shall take such person before the Chief of Police whose duty it shall be to hear and determine the case.

May appoint Chief of Police. Shall be sworn.

Powers and duty.

Jurisdiction of Chief of Police.

Authority limited to what time.

Board may appoint police officers.

Powers and duty of police officers.

Section 7 amended.

Amend said Section 7 further by striking out the word

OF RELIGIOUS SOCIETIES.

"same" in the thirty-seventh line and insert in lieu thereof the word "some."

SECTION 3. Amend said act by adding the following: The Board of Managers shall have full power and authority to prevent any obstruction of the public road in front of the grounds of the corporation by any wagon, cart, carriage, hack, or other vehicle, or in any manner whatsoever during the time of the camp meeting. They shall have power to order the arrest of any person found obstructing said public road and may remove the obstruction or nuisance. Any person obstructing said public road shall be liable to a fine not exceeding five dollars for each offense.

Board of managers empowered to prevent obstruction.

Penalty for obstructing public road.

*Passed at Dover, March 30, 1887.*

CHAPTER 35.

OF THE PUBLIC HEALTH.

AN ACT regulating the practice of medicine and surgery in this State.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. That it shall not be lawful for any person to practice medicine or surgery in this State without having obtained a license therefore as hereinafter provided.

Unlawful to practice medicine or surgery except in certain cases.

SECTION 2. The Clerk of the Peace of any of the counties of this State shall, upon the presentation to him by any person of a license as provided for by Section 3, Chapter 47, of the Revised Statutes of the State, or upon the affidavit of any person that he or she has practiced medicine or surgery for eight years continuously in this State, and upon such person registering his or her name, date of graduation, and college from which he or she graduated (if a graduate), and the place of his or her intended residence, issue to such person a license signed by the Governor and countersigned by the Secretary of State, and sealed with the seal of his office, certifying that such person is authorized to practice medicine and surgery in this State conformably to the laws thereof.

Clerk of the Peace to issue license to practice medicine and surgery when.



## OF THE PUBLIC HEALTH.

Duty of the  
Secretary of  
State.

SECTION 3. It shall be the duty of the Secretary of State to prepare forms of such licenses, blank as to date and name of licenser, signed, countersigned and sealed as provided in the foregoing section, and furnish the same to the Clerks of the Peace of the several counties in sufficient quantities to supply the demand therefor, and for his so doing he shall be paid the same compensation as is now by law provided in the case of other licenses.

Clerk of the  
Peace to re-  
ceive fee for  
issuing  
license.  
Amount of  
fee.  
Proviso.

SECTION 4. Upon the issuing of every such license the Clerk of the Peace issuing the same shall demand and receive the sum of ten dollars for the use of the State, and a fee of fifty cents for his own use. *Provided*, that the foregoing provisions shall not apply to persons who have complied with the provisions of Section 5 of the act hereby supplied to wit: "An Act Regulating the Practice of Medicine and Surgery in this State," passed at Dover, April 19, 1883.

Unlawful  
for person  
to practice  
medicine or  
surgery by  
opening  
transient  
office unless  
provisions  
of act are  
complied  
with.

SECTION 5. It shall not be lawful for any person to practice, or attempt to practice, medicine or surgery by opening a transient office within this State, or by hand bills or other form of printed or written advertisement, assign such transient office or place to meet persons seeking medical or surgical advice or prescription without having, in addition to complying with the provisions hereinbefore mentioned, also paid to the Clerk of the Peace of the county wherein the office or place aforesaid is located, a special license fee of one hundred dollars, and the license so granted shall be good for only one year from its date.

Additional  
license fee  
to be paid.

Lawful for  
physicians  
to come into  
the State in  
consulta-  
tion.

SECTION 6. The provisions of this act shall not apply to physicians who are regular practitioners of any other State coming into this State in consultation with any lawful practitioner of medicine and surgery of this State.

Person  
practicing  
or attempt-  
ing to do so  
unlawfully  
guilty of a  
misdemeanor.  
Penalty.

SECTION 7. Any person practicing, or attempting to practice, medicine or surgery within this State contrary to the provisions of this act, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall pay a fine of not less than one hundred dollars nor more than three hundred dollars.

Inconsis-  
tent acts re-  
pealed.

SECTION 8. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed, but nothing herein contained shall in any way interfere with the operation of chapter 117, of volume 13, of the Laws of this State, or relieve any person practicing the profession of medicine from

## OF THE PUBLIC HEALTH.

his or her obligation to obtain a license under the provisions of said chapter.

*Passed at Dover, March 22, 1887.*

## CHAPTER 36.

## OF THE PUBLIC HEALTH.

AN ACT to regulate the practice of Pharmacy in the State of Delaware, and for other purposes.

WHEREAS, The ability of the physicians to overcome Preamble. disease depends largely upon the obtaining of reliable medicines, intelligently and skilfully prepared; and,

WHEREAS, From time to time unskilled and incompetent persons engage in the compounding and sale of drugs, medicines and chemicals to the endangering of the health and lives of the public.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. That from and after the passage of this act it shall be unlawful for any person to open, conduct or manage within the corporate limits of any town in this State, any pharmacy, drug store, or other place for the retailing, compounding or dispensing of drugs, medicines or poisons, unless such person shall be registered as a pharmacist under the provisions of this act. Nor shall the sale of patent, quack or proprietary articles be lawful except in regular licensed stores under a penalty of ten dollars for each and every offense. Unlawful to open, conduct or manage a drug store unless a licensed pharmacist. Patent medicines, how sold. Penalty.

SECTION 2. In order to become registered as a proprietor or manager of a pharmacy, the applicant must be a graduate of a College of Pharmacy or Medicine of good standing. Otherwise he shall have had three years continuous practical experience in the retail drug business, and shall submit to and satisfactorily pass an examination before the State Board of Pharmacy. Proprietor to become registered as such must be graduate or have had three years experience.

## OF THE PUBLIC HEALTH.

Unlawful to leave clerk in charge of drug store unless a registered assistant, &c.

Unlawful to permit clerk, unless with one year's experience to compound or dispense prescriptions, except, &c.

Penalty for non-compliance.

Dispenser of drugs shall keep record of sales of certain articles.

Person not complying guilty of a misdemeanor.

The duty of the Pharmaceutical Society.

Governor empowered to appoint State Board of Pharmacy.

Powers of the State Board.

Term of office.

SECTION 3. No person who shall conduct or manage any pharmacy, drug store, or other place for the retailing, compounding or dispensing of drugs, medicines or poisons for medical use shall permit or suffer at any time, any clerk or other employe to be left in charge of same unless said person be a registered assistant with one year continuous practical experience, or an examination certificate from the Board of Pharmacy. Nor shall any proprietor or manager of any pharmacy permit any clerk or other person who has had less than one years practical experience in the retail drug business to compound or dispense any physician's prescriptions except under the immediate directions of the proprietor or manager. Any person who shall not comply with the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than twenty dollars nor more than fifty dollars for each day whereon such violation occurs or is continued, one-half of fine imposed to go to the State Board of Pharmacy and the balance to the county in which such violation occurs.

SECTION 4. Every dispenser of drugs shall keep a record of all sales of strychnia, arsenic and corrosive sublimate, said record to be open to proper legal inspection. Any person failing to comply with the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined five dollars for each and every offense.

SECTION 5. The Pharmaceutical Society of Delaware shall on or before the first day of June, eighteen hundred and eighty-seven, recommend to the Governor the names of at least six graduates of a College of Pharmacy of good standing and four graduates of medicine, and it shall be the duty of the Governor on or before the day and year aforesaid to appoint, in writing, three of the former and two of the latter to constitute the State Board of Pharmacy. The said board shall have authority to act from and after the first day of July aforesaid. The members so appointed shall hold their offices for five years; *provided*, that the term of office for the first five appointed shall be so arranged that the time of one shall expire on the first day of July of each year, and the vacancies so created, as well as all vacancies occurring, shall, with or without recommendation aforesaid, be filled by appointment by the Governor of a person or persons possessing the like qualifications as his or their predecessors in office. The person or persons so appointed to hold office during the remainder of the term for which his or their predecessor or predecessors

## OF THE PUBLIC HEALTH.

were appointed. Before entering upon the discharge of their official duties the members of said board shall be duly sworn or affirmed for the faithful and impartial performance of their duties as such members. Any three members shall constitute a quorum for the transaction of business. The said board shall meet at least once in every three months, and it shall be its duty to examine into the qualification of all applicants and register them accordingly, keeping correct record of all official transactions, and to report annually to the Governor prior to the first day of July of each year.

Members of the Board before entering upon their duties must be sworn.  
Quorum.

Time of meeting.

Duty of Board.

SECTION 6. The members of said board shall receive no compensation but may pay the expenses incurred by them in the discharge of official duty out of any money coming to said board under the provisions of this act. The said board before issuing a certificate of registration to any pharmacist or assistant shall, if the applicant be entitled to be registered without the passage of an examination, receive from such applicant the sum of one dollar; but if the applicant be required, under the provisions of this act, to pass an examination he shall pay to said board the sum of five dollars.

Compensation.

Fee for issuing a certificate of registration without examination.

In case of examination fee to be paid.

SECTION 7. Any person not being a registered pharmacist, or having in his employ one who is not registered according to the meaning of this act, who shall, thirty days after this act takes effect, keep a pharmacy or store for compounding or retailing drugs or medicines, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined the sum of fifty dollars.

Unregistered pharmacist keeping a store for compounding and retailing medicines guilty of a misdemeanor.  
Penalty.

SECTION 8. Any person who shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof in the Court of General Sessions of the Peace and Jail Delivery shall be fined according to the amount specified after the section violated, for each day whereon such violation occurs or is continued. One-half of the fine imposed to go to the State Board of Pharmacy and the balance to the county in which such violation occurs.

Persons violating any provisions of act guilty of misdemeanor.

Penalty.

SECTION 9. Nothing in this act contained shall be taken to render unlawful the compounding by any physician of prescriptions to be used by him in his own practice.

Physician may compound prescription.

SECTION 10. That an act entitled "An act to regulate the practice of Pharmacy in the State of Delaware," passed at Dover, April 17, 1883, be and the same is hereby repealed. *Provided*, however, that nothing in this act contained shall prevent the registration of those pharmacists now already en-

Act repealed.

Proviso.

## OF THE PUBLIC HEALTH.

Further  
provided.

gaged in the drug business in towns not affected by repealed act. Nor shall in any manner effect the right of any person to whom a certificate of registration has heretofore been duly issued under said repealed act; and, *provided*, further, that the State Board of Pharmacy, organized under the repealed act, shall continue to exist in the same manner and with the same power as shall be possessed by board provided by this act until July 1st, eighteen hundred and eighty-seven, any vacancy or vacancies now existing, or hereafter occurring, during existence of old board shall be filled by appointment by the Governor of a person possessing like qualifications of his predecessor, who shall also be qualified by oath; also that all money, records and effects belonging to old board shall be turned over to their successors.

Sale of  
standard  
proprietary  
medicines  
by stores  
not prohib-  
ited.

SECTION 11. *Provided*, also, that nothing in this act shall prohibit the sale of standard proprietary medicines by general stores.

*Passed at Dover, April 14, 1887.*

## CHAPTER 37.

## OF PUBLIC EDUCATION.

## AN ACT concerning School District No. 4, in Kent County.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

School  
Committee  
with others  
authorized  
to sell old  
school house  
and to erect  
new one in  
place  
thereof.Cost not to  
exceed \$700.

SECTION 1. That the school committee of School District No. 4, in Kent county, together with Gamaliel Garrison, William M. Boyer, John H. Short, Isaac Truax, be and they are hereby directed, authorized and empowered to dispose of the old school-house of the said district, at either public or private sale, and to erect and build, or cause to be erected and built, in the place thereof and on the same lot of land and premises a suitable new school building, and properly to fit and furnish the same, for the use of the said district at a cost not to exceed the sum of seven hundred dollars (\$700) in addition to the moneys that may be derived from the sale of the said old school-house.

## OF PUBLIC EDUCATION.

SECTION 2. That for the purpose of erecting and constructing such new school building and suitably fitting and furnishing the same, and paying all charges and expenses incident thereto, there shall be raised by taxation in the said district, in addition to the amount that may be fixed and determined upon by the school voters of said district at the annual stated meetings in April, A. D. 1887, and in April, A. D. 1888, for the purpose of running the schools in said district, a sum not exceeding four hundred dollars in the said year, A. D. 1887, and a sum not exceeding three hundred dollars in the said year, A. D. 1888; and the same shall be assessed, levied and collected accordingly, and shall, when collected, be appropriated to the payment of the moneys expended in erecting, constructing and furnishing the new school building, and of all charges and expenses incident thereto. *Provided*, and it is hereby made the duty of the said School Committee, in assessing the tax by this section authorized so far as the same shall be assessed on real estate, to assess such real estate at its assessed value upon the last general assessment of Duck Creek Hundred, instead of upon the clear rental value as required by law.

Additional sum to be raised to pay for building and furnishing new school house.

Amounts to be raised.

Proviso.

How assessment shall be made.

SECTION 3. That the said School Committee is hereby further authorized and empowered to borrow any sum of money not exceeding seven hundred dollars for the purpose of carrying into execution the provisions of Section 1 of this act, the said sum so to be borrowed to be made due and payable on or before the first day of January, A. D. 1889.

School Committee authorized to borrow not exceeding \$700.

When payable.

SECTION 4. That for the purpose to secure the loaner or loaners the payment of the money so to be borrowed under the provision of this act, with interest thereon, the said committee is authorized and empowered to make and execute and deliver to the loaner or loaners the bond of the said district, and also a mortgage upon any and all real estate owned by the said school district at the time of the execution thereof, which bond and mortgage shall be signed by the said School Committee and be sealed by the seal of the said School District hereinafter provided for.

To secure loan school committee authorized to execute and deliver bond of District and mortgage upon real estate owned by district. Mortgage, how signed.

Such bond and mortgage shall be made to become due and payable on or before the first day of January, A. D. 1889.

When payable.

SECTION 5. That to enable the said School Committee to properly execute the said bond and mortgage contemplated by this act, the said School Committee is hereby directed and required to procure a common seal for the use of the said School District with such device therein as the said committee may

School Committee authorized to procure a seal.

## OF PUBLIC EDUCATION.

Prpviso. determine. *Provided*, that the name "School District No. 4, in Kent County, State of Delaware," shall be engraved thereon, which said seal shall be affixed to bond and mortgage at the time they are executed.

Public act. SECTION 6. This act shall be deemed and taken to be a public act.

*Passed at Dover, February 3, 1887.*

## CHAPTER 38.

## OF PUBLIC EDUCATION.

AN ACT for the relief of the United School Districts Nos. 44 and 150, in Sussex County.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Lawful for school voters of United Districts 44 and 150, in Sussex County, to use unappropriated balance to build school house.

SECTION 1. From and after the passage of this act it shall be lawful for the school voters in the United School Districts, Nos. 44 and 150, in Sussex county, to use any unappropriated money now in hand or that may hereafter come into their hands for the purpose of building a school-house in said district.

School voters may appoint a committee.

SECTION 2. The school voters may at the next stated meeting appoint a committee whose duty it shall be to erect or have erected a suitable school-house in said district as soon thereafter as may be practicable. The committee shall draw or have drawn a plan and specification for said school house and shall sell the contract for the erection of said building at public auction, at the old school-house, to the lowest and best bidder who shall give bond for the faithful performance of said contract in the penal sum of double the amount of the same.

Contract to be sold to lowest bidder.

Committee authorized to sell old school house.

SECTION 3. *And be it further enacted*, That the afore-said committee shall at the time and place as provided for in Section 2, sell at public auction the old school-house to the highest and best bidder. The proceeds of said sale shall be

## OF PUBLIC EDUCATION.

applied and used for the building of the new school-house.  
This shall be deemed and taken to be a public act.

Publicnet.

*Passed at Dover, February 8, 1887.*

## CHAPTER 39.

## OF PUBLIC EDUCATION.

AN ACT to amend Section 7, chapter 469, volume 17, of the Laws of Delaware, entitled "An act to establish a Board of Education for South Milford and to incorporate the same, and for other purposes."

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch concurring therein:)*

SECTION 1. That Section 7, chapter 469, volume 17, of the Laws of Delaware, be and is hereby amended by striking out the words "eighteen hundred dollars" in lines 9 and 10 of said section, and inserting in lieu thereof the words twenty-five hundred dollars.

*Passed at Dover, February 8, 1887.*

## CHAPTER 40.

## OF PUBLIC EDUCATION.

AN ACT for the relief of School District No. 66, in Sussex County.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:* That from and after the passage of this act it shall be lawful for School District No. 66, in Sussex County, to levy and collect the sum of six hundred and fifty dollars for the purpose of paying the debt of said district created by the building of a school-house.

School District No. 66, in Sussex County, are authorized to levy and collect \$600 for purpose of paying debt.



## OF PUBLIC EDUCATION.

How  
collected.

SECTION 2. *And be it further enacted,* That the above sum of six hundred and fifty dollars (\$650) shall be levied and collected from and out of the tax-payers of said district in the same way and manner that other school taxes are collected in Sussex County.

*Passed at Dover, February 23, 1887.*

## CHAPTER 41.

## OF PUBLIC EDUCATION.

AN ACT to transfer the farm and mansion of Julia A. Bennett to School District No. 72, in Sussex County.

*Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met:*

Certain  
property  
transferred  
to School  
District  
No. 72, in  
Sussex  
County.

SECTION 1. That the farm and mansion of Julia A. Bennett, now situated, lying and being in School District No. 179, Sussex County, be and the same is hereby transferred and shall hereafter constitute a part of School District No. 72, in Sussex County.

How  
assessed.

SECTION 2. That from and after the passage of this act, the aforesaid farm and mansion shall be assessed for school purposes in School District No. 72, in Sussex County.

*Passed at Dover, February 24, 1887.*

## OF PUBLIC EDUCATION.

## CHAPTER 42.

## OF PUBLIC EDUCATION.

AN ACT to enable School District No. 78, in New Castle County, to raise funds for the purchase of a lot of ground, and the erection of a school-house thereon.

*Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met:*

SECTION 1. That George W. Thomipson and Robert Buck, Commissioners, and William P. Bancroft, Clerk of School District No. 78, in New Castle County, and their successors in office, are directed, when authorized by the school voters of said district, at a stated meeting, or at a meeting called to consider the question, to levy and collect, by taxation, a sum not exceeding \$1,500.00 to be applied towards the purchase of a lot of ground, and the erection of a school-house thereon, for the use of said district.

Commis-  
of District  
No. 78, New  
Castle  
County,  
when au-  
thorized by  
school  
voters, may  
levy and  
collect  
\$1,500.

SECTION 2. That the said school committee, and their successors in office, are authorized and empowered to mortgage such lot and school house for the benefit of said district to an amount not exceeding \$3,000.00.

School  
Committee  
may mort-  
gage prop-  
erty.

SECTION 3. That the said School Committee, and their successors in office, are authorized and empowered to sell either at public or private sale, for cash, the lot and school-house now used by said district, and use the proceeds of such sale towards the extinguishment of any debt incurred by the purchase of a lot or the erection of a new school-house and furnishing the same.

Committee  
may sell  
lot and  
house now  
used.  
  
Proceeds  
how ap-  
plied.

SECTION 4. That to enable it wholly to extinguish any debt which may be incurred by the erection and furnishing of a school-house, as above proposed, and when needed, for the better support of public schools, said district is authorized during each and every year after the erection of such house to levy and raise by taxation any amount not exceeding \$2,000.00.

School dis-  
trict au-  
thorized to  
levy and  
raise annu-  
ally \$2,000.

*Passed at Dover, February 28, 1887.*

## OF PUBLIC EDUCATION.

## CHAPTER 43.

## OF PUBLIC EDUCATION.

AN ACT entitled an act to extend the limits of United Districts Nos. 97 and 135, Sussex County.

*Be it enacted be the Senate and House of Representatives of the State of Delaware, in General Assembly met:*

Districts  
Nos. 97 and  
135 in Sus-  
sex County.  
limits ex-  
tended.

SECTION 1. That the southern line of united Districts Nos. 97 and 135 of Sussex county, known as the Frankford School, be and the same is hereby extended. Beginning at or near the house of George Dingle, situated on the main road leading from Frankford to Selbyville and running in an east northerly direction across lands of the heirs of John Hickman, deceased, and lands of Captain David C. Betts, to and including the lands of Charles Munnford and William S. Long, thence in a northwest direction to and across the main road leading from Frankford to Baltimore Mills, taking in the house and lands of Stephen H. Wharton, and thence to intersect the established northwest lines of the united Districts Nos. 97 and 135, and the said lines so extended to include all the lands and taxable property within the extended lines and to be and remain as a part of united Districts Nos. 97 and 135, subject to tax for school purposes and enjoying the benefits therefrom.

Lands and  
taxable  
property  
within ex-  
tended  
lines to be  
a part of  
united dis-  
tricts ex-  
tended.

Certain real  
estate  
transferred  
to said dis-  
tricts.

SECTION 2. *And be it further enacted,* That Stephen H. Wharton be and is hereby transferred from District No. 25½, Sussex County, and admitted in Districts Nos. 97 and 135, Sussex County, known as Frankford School.

*Passed at Dover, March 8, 1887.*

## OF PUBLIC EDUCATION.

## CHAPTER 44.

## OF PUBLIC EDUCATION.

AN ACT authorizing and requiring the School Committee of School District No. 75, in Sussex County, to raise twenty-five dollars for school purposes in addition to the amount now required by law to be raised.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. That the School Committee of School District No. 75, in Sussex County, be and they are hereby required to levy and collect out of the taxables and taxable property in the said district the sum of twenty-five dollars in addition to the amount authorized by law to be collected by the school voters in the said district at the annual school meeting held therein; the said sum authorized and required by this act to be collected, to be expended by the said committee for the support of a free school in said district.

School Committee of District No. 75, Sussex County, authorized to raise additional sum of twenty-five dollars.  
How expended.

SECTION 2, That the money hereby authorized and required to be levied and collected shall be levied and collected as the money authorized by the school voters of the said district is levied and collected; and the said School Committee shall have all the powers in levying and collecting the sum of money authorized and required by this act as they have in the levying and collecting of the amount of money authorized to be raised by the school voters of the said district at any annual meeting thereof.

How collected.  
Power of School Committee.

*Passed at Dover, March 8, 1887.*

## CHAPTER 45.

## OF PUBLIC EDUCATION.

AN ACT for the relief of School District No. 39, of New Castle County.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. That the School Committee of District No. 29 in New Castle County, now in office, or their successors, be

## OF PUBLIC EDUCATION.

School  
Committee  
of District  
No. 29,  
New Castle  
County au-  
thorized to  
borrow  
money  
for certain  
purposes.

May levy  
collect an  
additional  
tax for pur-  
pose of pay-  
ing interest  
and liquida-  
ting debt.

authorized and the same are hereby authorized to borrow, under their hands and seals, for the use of said district, any sum of money, not exceeding one thousand dollars, that they may deem necessary for the erection and fitting up of an additional school-room in said district.

SECTION 2. That the said committee, of their successors, be and they are hereby authorized to levy and collect from the tax-payers of said district in the customary manner that other school taxes are levied and collected therefrom, a sufficient sum annually (in addition to the amount decided at each annual meeting to be needed for the ordinary expenses of maintaining the school) as will be sufficient to pay the interest on said loan and at least one hundred dollars of the principal thereof each and every year until the same be wholly liquidated and paid off.

*Passed at Dover, March 19, 1887.*

*\*So enrolled.*

## CHAPTER 46.

## OF PUBLIC EDUCATION.

AN ACT to amend chapter 44, volume 15, Laws of Delaware, in relation to the United School Districts Nos. 39 and 41, of New Castle County.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Chapter 44,  
Vol. 15,  
Laws of  
Delaware  
amended.

SECTION 1. Amend by striking out after the word "taxation" (\$1000) and insert in lieu thereof (\$1500).

*Passed at Dover, March 14, 1887.*

## OF PUBLIC EDUCATION.

## CHAPTER 47.

## OF PUBLIC EDUCATION.

AN ACT to amend Section 1 of Chapter 359 of volume 16 of the Laws of Delaware, entitled "An act to exempt certain persons from the operation of chapter 48 of volume 15, of the Laws of Delaware, and to enable them to establish schools for their children in Sussex County."

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch thereof concurring):*

SECTION 1. That Section 1, of chapter 359 of volume 16, of the Laws of Delaware, entitled, "An act to exempt certain persons from the operation of chapter 48 of volume 15 of the Laws of Delaware, and to establish schools for their children in Sussex County," be and the same is hereby amended by inserting after the name "William Clark," and before the word "all" in the 12th line of said Section 1 the name "Wingate street." Section 1, Chapter 359 Volume 16, Laws of Delaware amended.

SECTION 2. That all provisions of the said act of which this act is an amendment which are inconsistent herewith are hereby repealed. Inconsistent acts repealed.

*Passed at Dover, March 16, 1887.*

## CHAPTER 48.

## OF PUBLIC EDUCATION.

AN ACT to incorporate School District No. 41, in Sussex County, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch of the Legislature concurring):*

SECTION 1. That on and after the first Saturday of April, A. D. 1887, School District No. 91, in Sussex County, as the same is now bounded, or as it may hereafter be bounded, shall be governed, managed, and its affairs administered by a board of six commissioners. District No. 91, Sussex County to be governed by commissioners.

## OF PUBLIC EDUCATION.

Commissioners.

Terms of office.

Vacancies, how filled.

Corporate name.

Powers.

SECTION 2. That William O. Lynch, Alexander Jones, Nathan J. Barwick, James M. Hollis, William W. Morris and Charles W. Ammermon shall be and they are hereby declared to be the first commissioners, and they shall be invested and charged with all the powers and duties conferred by this act on, from and after the first Saturday of April, A. D. 1887, and shall continue to serve as such commissioners for the terms following, to wit: The said William O. Lynch and Alexander Jones, until the annual school election in the month of April, A. D. 1888. The said Nathan J. Barwick and James M. Hollis until the annual school election in the month of April, A. D. 1889; and the said William W. Morris and Charles M. Ammermon, until the annual school election in the month of April, 1890, and until their successors respectively, shall have been duly elected and qualified as hereinafter provided; with power to fill any vacancy that may occur in their own number by death, removal from the district, or refusal to serve; and the person, or persons, so chosen to fill such vacancy, or vacancies, shall serve until the next annual school election.

SECTION 3. That the members of the Board of Commissioners hereinbefore named, and their successors in office shall, and they are hereby declared to be a corporation by the name, style and title of School District No. 91, in Sussex county, and by that name they and their successors shall have perpetual succession, and shall have and possess full power and authority to devise, establish and modify from time to time a plan and system of education for children in said District No. 91, in Sussex County, and to superintend the same; to appoint, suspend, and remove teachers and provide school houses; to make by-laws, rules and regulations for their own government and for the government of the teachers and schools under their superintendence; to designate and elect officers of the said board, and to fill vacancies in any manner whatever caused until the next election for members of the board, and to take and acquire, receive, hold and enjoy, for the purposes aforesaid, moneys and real and personal estate by bargain and sale, gift, grant, contract, devise or bequest; and by the name aforesaid may sue and be sued, plead and be impleaded in the courts of this State or elsewhere; may have a common seal, with power to alter the same, and otherwise generally shall be clothed with the rights, powers and privileges incident to corporations and necessary for carrying out the purposes of their creation. The members of the board shall receive no compensation for their services.

## OF PUBLIC EDUCATION.

SECTION 4. That on the first Saturday of April, A. D. 1888, an election shall be held in the mode and in accordance with all the requirements of law regulating the election of school committees to serve for three years, and also (in case of vacancy) one or more commissioners, each to serve for the unexpired term of the commissioner whose office shall have become vacant, and annually thereafter an election shall be held for the election of commissioners in lieu of those whose terms shall then expire for three years; as well as for the election of another or others in lieu of any whose office may have become vacant for the unexpired term of the commissioner or commissioners whose office shall have become vacant.

Election,  
when and  
how held.

SECTION 5. That the Board of Commissioners named in the second section of this act shall meet on the Monday succeeding the first Saturday of April, A. D. 1887, at the school-house in said district and proceed to organize the board by electing one of their own number President and another Secretary; and the person so elected President shall thereupon swear or affirm every other member to perform his duties with fidelity, and one of the other members shall, in like manner, qualify the President; and on the Monday succeeding the first Saturday in April in every year thereafter the persons composing the said Board of Commissioners shall meet either at the school-house or at such other place in said district as the board by resolution shall have established at its place of meeting and organize and qualify in like manner.

Time of  
meeting for  
organiza-  
tion.

Members of  
the board  
shall make  
oath.

Time and  
place of  
annual  
meeting.

SECTION 6. That the board shall appoint a treasurer who shall give bond with sufficient surety for the performance of his duty; he shall receive and disburse all moneys belonging to the said district under the order and subject to the resolution of the said board, and shall keep an accurate and itemized account of all such receipts and disbursements in a record to be expressly provided for that purpose; and his accounts and vouchers shall be inspected and audited semi-annually by a committee of the said board, who shall make and enter upon such record, a certificate showing the result of such audit; and his record shall be at all times subject to inspection by any taxable of the said district upon demand. The said board shall likewise have power to make by-laws, rules and regulations for its own government and the government of the officers, agents and teachers, and the schools under its control. And the said board is hereby expressly invested with full power and authority to assess, levy and collect all the

Board shall  
appoint  
Treasurer.

Accounts to  
be inspected  
by commit-  
tee of said  
board.

By-laws.

Power of  
board to  
assess and  
collect  
taxes.



## OF PUBLIC EDUCATION.

taxes by this act authorized in the same manner and by the same agencies, and with like powers as is now or may hereafter be provided by law for the collection of school taxes. The warrant annexed to any duplicate of any assessment list shall be signed by the President of the board, attested by the Secretary, and have the corporate seal thereto affixed.

Duty of Commissioners to select suitable site for school house and erect building thereon.

SECTION 7. That a majority of the board shall constitute a quorum and in case of any vacancy in the office of President, Secretary or Treasurer, the board shall have power to fill the same. In case of the death of any member of the board, or in case any member shall remove out of the district or refuse or omit to assume his duties, or to attend for three successive meetings of the board, shall have power to elect another or others in his or their stead to serve until the next annual election. The board shall hold regular meetings on the third Monday in each month and occasional meetings when necessary upon the call of the President, or any two members of the board. A record shall be kept of all the proceedings of the said board, and of all of its orders and resolutions, and the same shall be at all times subject to the inspection of any taxable upon demand.

SECTION 8. That in order to afford suitable facilities for the education of the children in the said district and to give them the advantages of a graded school when needed, it is hereby made and declared to be the duty of the commissioners, named in the second section of this act, as soon as possible after they shall have entered upon their duties, to select a suitable and convenient site for the location of a new school-house, and that the necessary steps to acquire title thereto either by agreement with the owner, or in case of inability to agree, in the same manner and by the like proceeding as now by law provided in that behalf, and shall, without delay, cause to be erected and constructed a suitable building of two or more rooms for the use of said district as a school-house.

Board of Commissioners are authorized to issue bonds.

Rate of interest.

When payable.

SECTION 9. The Board of Commissioners aforesaid, or a majority of them, are hereby vested with full power and authority to make and issue ten bonds of the denomination of one hundred dollars each, bearing interest at a rate not exceeding six per centum per annum, redeemable and payable as follows, to wit: The first bond to be paid at the expiration of eleven years from the date thereof, and one bond in its numerical order to be paid at the expiration of every year thereafter until all of said bonds are paid, said bonds may be in the following form, to wit:

OF PUBLIC EDUCATION.

No. ————— \$100.00 Form.  
The Board of Commissioners for School District No. 91, in  
Sussex County.

188— These presents certify and make known that School  
District No. 91, in Sussex County, is held and firmly bound  
unto the bearer in the sum of one hundred dollars lawful  
money of the United States of America which it binds itself  
to pay to the bearer on or before the      day of      A. D.

with interest at the rate of six per centum per annum  
payable at the office of the Treasurer of the Board of Com-  
missioners aforesaid, on the      day of      until the principal  
be paid. Dated at Greenwood the      day of      18      , wit-  
ness the seal of said corporation, and the hands of the Presi-  
dent, Secretary and Treasurer, the Board of Commissioners  
of School Districts No. 91, in Sussex County.

[CORPORATE SEAL.]      \_\_\_\_\_, President.  
                                                 \_\_\_\_\_, Secretary.  
                                                 \_\_\_\_\_, Treasurer.

The said bonds shall be numbered from one to ten, in-  
clusive, and shall have coupons attached for the payment of  
interest numbered to correspond with the bonds and signed  
by the treasurer of the Board of Commissioners aforesaid.  
The said bonds shall be signed by the President, Secretary  
and Treasurer of the said board, and shall have the seal of  
the corporation affixed. The faith of said School District,  
No. 91, in Sussex County, and the annual dividends from the  
school fund belonging thereto are hereby pledged for the pay-  
ment of the principal and interest of said bonds.

SECTION 10. That the Board of Commissioners aforesaid  
are hereby authorized, empowered and required to annually  
levy and collect an additional tax in said School District No.  
91, in Sussex County, and at the same time as the tax is  
levied and collected for general school purposes, which shall  
be sufficient to pay the annual interest on said bonds, and  
also to create and establish a sinking fund sufficient to redeem  
the bonds at maturity or at the option of the said board of  
commissioners after the expiration of ten years from the date.

SECTION 11. That the President, Secretary and Treas-  
urer of the said Board of Commissioners are hereby author-  
ized and directed to negotiate the sale of the bonds to be  
issued under this act with the least possible delay after they  
shall have received the same and shall receive a compensation  
for their services or not at the discretion of the said board.  
The said bonds shall not be sold for less than their par value.

## OF PUBLIC EDUCATION.

Treasurer  
to procure  
register.

The Treasurer shall procure a suitable book, and before delivering the bonds shall register therein the name of each purchaser together with number of bonds purchased in regular numerical order.

There shall  
be raised in  
said district  
annually  
not less  
than \$400  
nor more  
than \$500  
for school  
purposes.

Payments  
of dividends  
how made.

SECTION 12. That commencing with the year A. D. 1887, and annually thereafter there shall be raised, levied and collected in said School District No. 91, in Sussex County, for general school purposes by taxation, a sum not less than four hundred dollars, nor more than five hundred dollars. All dividends from the school fund which may be allotted to said district, shall be paid to the said corporation hereby created on the written order of the President of the Board of Commissioners under the seal of said corporation, and such order shall constitute a sufficient voucher to the trustee of the school fund for the payment of any such dividend.

Rate.

SECTION 13. That all males in said district over twenty one years of age, shall be rated at five hundred dollars as a capital or basis for taxation.

Public act.

SECTION 14. This act shall be deemed and taken to be a public act and shall be published as such among the laws of the State.

Assessment  
made of  
property  
in district  
for year 1886  
valid.

SECTION 15. That the assessment of the real and personal property and the poll made in said district the year A. D. 1886, and the levy of the taxes shall be and they are hereby declared valid, and shall continue in force until all the said taxes are collected and that Alexander Jones, the present collector of taxes in said District, be and he is hereby vested with full power and authority to collect all the taxes assessed and levied in said District for the year A. D. 1886, remaining uncollected up to that\* and shall have all the power to collect said taxes as is conferred upon collectors of school taxes in this State.

*Passed at Dover, March 17, 1887.*

\*So enrolled.

## OF FREE SCHOOLS.

## CHAPTER 49.

## FREE SCHOOLS.

AN ACT to re-establish School District No. 62, in Sussex County.

WHEREAS, The General Assembly of the State of Delaware did, on the 17th day of April, A. D. 1885, pass an act entitled, "An act in relation to School Districts in Sussex County, and

WHEREAS, George A. Jones, Alfred Short and Philip C. Matthews, Commissioners appointed by the Governor to carry into effect the provisions of said act, did, on the 25th day of August, A. D. 1885, wholly obliterate School District No. 62, in Georgetown and Nanticoke Hundreds, in Sussex County, by annexing one portion thereof to School District No. 130, and the remaining portion to School District No. 180, in said county, therefore,

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. That the lines of said School District No. 62, as they formerly existed, and said School District No. 62, in said county of Sussex, be and the same are hereby re-established.

Lines of  
School Dis-  
trict No. 62,  
Sussex  
County, re-  
established.

SECTION 2. That said School District No. 62 is hereby re-established and subject to the laws governing the several school districts in Sussex County, and is entitled to all the benefits, privileges, rights and immunities of the several School Districts in said county of Sussex.

District en-  
titled to  
same bene-  
fits, &c., as  
other dis-  
tricts.

*Passed at Dover, March 21, 1887.*

## OF FREE SCHOOLS.

## CHAPTER 50.

## FREE SCHOOLS.

AN ACT to establish the boundaries of School District No. 132, Sussex Co.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

**SECTION 1.** That from and after the passage of this act the boundary lines of School District No. 132, in Sussex County, shall begin at the northwest corner of William T. Warrington lands adjoining the lands of Joseph B. Lingo, and running from thence in a straight line to the southwest side of Mrs. Hester Hurdle's house to the division line between the said Hester Hurdle and William E. Lingo; thence with the said line between the said Hester Hurdle and William E. Lingo to Unity Branch; thence with the said branch to Unity Church, and from thence with the county road leading from the said church to St. George's Chapel, and with the said road beyond to the original line of the said dist.\*

Boundary  
lines  
established.

**SECTION 2.** That the lands so enclosed shall be assessed as properties within the bounds of the said School Dist.\*

Lands en-  
closed to be  
assessed in  
district.

**SECTION 3.** This act shall be deemed and taken as a public act.

Public act.

*Passed at Dover, March 22, 1887.*

\*So enrolled.

## CHAPTER 51.

## FREE SCHOOLS.

AN ACT to authorize School District No. 17, in Kent County, to borrow money and secure the payment of the same.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

**SECTION 1.** That the commissioners of School District No. 17, in Kent County, or their successors in office, are

## OF FREE SCHOOLS.

hereby authorized, empowered and directed to borrow a sum of money not to exceed three hundred dollars, to be used for the purpose of paying off the debt on the new school-house in said District No. 17, and secure the payment of the same, with interest, in two equal instalments of\* the 25th day of April in the years 1888 and 1889.

Commissioners authorized to borrow \$300.

SECTION 2. *And be it further enacted,* That the said commissioners and their successors in office are hereby empowered, authorized, directed and required to levy and collect annually, (in addition to the tax for carrying on the school directed to be levied at the stated meetings) such sum as shall be necessary to meet said annual payments and pay the same according to the condition upon which it is borrowed.

Commissioners authorized to levy additional tax.

*Passed at Dover, March 24, 1887.*

## CHAPTER 52.

## FREE SCHOOLS.

AN ACT to re-establish Districts Nos. 31, 119, 120 and 173, in Sussex County, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. That School Districts Nos. 31, 119, 120 and 173, in Sussex County, as united and consolidated by the commissioners appointed under chapter 448, volume 17, Laws of Delaware, be and they are hereby dissolved from the consolidation made by the said commissioners and re-established as Districts Nos. 31, 119, 120 and 173, in Sussex County, with the same dividing lines and boundaries as they and each of them had prior to the said uniting and consolidation; and each of the said districts shall have and enjoy all the powers, rights, privileges and benefits of a School District in this State, and be entitled each to its proportionate share of the school fund of this State apportioned to Sussex County.

Districts Nos. 31, 119, 120 and 173, in Sussex County, dissolved and re-established.

SECTION 2. That all moneys now in the hands of the

\*So enrolled.

## OF FREE SCHOOLS.

Monies in  
hands of  
Treasurer  
of United  
Districts to  
be divided.

Treasurer of the said united School Districts, or which shall come into his hands hereafter, shall be equally divided between the said four districts, share and share alike, and that all furniture and other personal property now owned by the said united districts shall belong\* and be the property of District No. 173.

Annual  
election  
may be  
held.

SECTION 3. That the present consolidation of the said districts shall in no wise prevent them each from holding the annual school meeting in April, 1887, and it shall not be necessary to the legality of said election that notices thereof shall have been given as by law required.

*Passed at Dover, March 24, 1887.*

## CHAPTER 53.

## FREE SCHOOLS.

AN ACT to transfer the property of Walter Ford from School District No. 65 to District No. 69, in New Castle County.

*Be it enacted by the Senate and House of Representatives in General Assembly met:*

Certain real  
estate  
transferred  
to district  
No. 69, New  
Castle  
County.

SECTION 1. That the property of Walter Ford, situated on east side of State Road, leading from Blackbird to Townsend, New Castle County, in District No. 65, be and the same is hereby transferred and set over from School District No. 65 to District No. 69.

*Passed at Dover, March 24, 1887.*

So enrolled.

## OF FREE SCHOOLS.

## CHAPTER 54.

## FREE SCHOOLS.

AN ACT for the relief of United School Districts 126 and 95, Sussex County.

WHEREAS, The School House in United School Districts Nos. 126 and 95, in Sussex County, being insufficient for the accommodation of the scholars of said Districts, and

WHEREAS, The Commissioners of said United School Districts, have built a school house in said United School Districts without legal authority, costing three hundred dollars, now, therefore,

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. That the acts of said commissioners of said United School Districts Nos. 126 and 95, Sussex County, are hereby made legal, any law or laws of this State to the contrary notwithstanding.

SECTION 2. That it shall be the duty of said Commissioners of said United School Districts and their successors in office, to levy and collect annually, as other taxes are levied and collected for school purposes, the sum of one hundred dollars, to be applied as payment on the principal, and the further sum of money equal to the interest on the said sum of three hundred dollars from May 1st, 1886, any part thereof unpaid to be levied and collected in like manner as herein prescribed, until the whole shall have been fully paid.

SECTION 3. This act shall not work any change in the school laws of this State, or in their application to these United School Districts, Nos. 126 and 95, Sussex County.

*Passed at Dover, March 25, 1887.*



## OF PUBLIC SCHOOLS.

## CHAPTER 55.

## OF FREE SCHOOLS.

AN ACT supplementary to the act entitled an act to authorize the School Districts Nos. 22 and 99, in Kent County, to borrow money for the purpose of remodeling and improving the school-house in Camden, now the property of said United School Districts, passed at Dover, April 10, 1885.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SCHOOL COMMITTEE AUTHORIZED TO SELL THE REAL ESTATE OF SAID UNITED SCHOOL DISTRICTS.  
MONEY ARISING FROM SALE, HOW APPLIED.  
MAY PURCHASE ADDITIONAL LAND.

SECTION 1. That the School Committee of United School Districts Nos. 22 and 99, in Kent County, or their successors in office, are hereby authorized and empowered, as in the judgment of said committee shall seem meet and proper, to sell either at public or private sale, any real estate now belonging to or held by said United School Districts and to convey the same by deed or deeds to the purchaser or purchasers thereof, and the money arising therefrom to apply toward purchasing other lands and erecting a school-house thereon in said United School Districts; but if the said committee shall deem best they may and hereby are empowered to procure by purchase, or otherwise as by law provided for procuring lands for school purposes from adjoining owners or holders of real estate, an additional quantity of land for school purposes not exceeding in the whole one acre.

MAY BORROW \$2,500.

SECTION 2. *And be it further enacted,* That the said School Committee is hereby authorized and empowered to borrow any sum or sums of money of any person, or persons, or corporation, not exceeding twenty-five hundred dollars, in addition to the twenty-five hundred dollars authorized by Section 1 of the act to which this act is a supplement, for the purpose of purchasing a suitable lot of land and erecting and furnishing a school-house thereon adequate to the needs of said United School Districts.

MAY EXECUTE AND DELIVER TO LOANER A BOND OR MORTGAGE.

SECTION 3. *And be it further enacted,* That for the purpose of securing to the loaner any sum or sums of money borrowed under the provisions of this act, and under the act to which this act is a supplement, the said School Committee is hereby authorized, empowered, and directed to make, execute and deliver to the loaner, or loaners, of any such money the bond and mortgage of said United School Districts upon any or all the real and personal estate belonging to said United School Districts, which said bond and mortgage shall be

## OF FREE SCHOOLS.

signed by said School Committee and sealed with the corporate seal of said United School Districts, and such bond and mortgage shall be made to become due and payable in the manner and at the days and times as may therein be provided at the time of making and executing the same.

SECTION 4. *And be it further enacted,* That to enable the said School Committee to properly execute any bond, mortgage, or deed, contemplated by this act, the said committee is hereby authorized to procure a corporate seal with the device "United School Districts Nos. 22 and 99, in Kent Co., Del.," thereon marked or engraved, which seal shall be affixed to every bond, mortgage or deed by said committee made, and every deed or mortgage shall be duly acknowledged before a Notary Public in the same manner as deeds are usually acknowledged. May procure a seal.

SECTION 5. *And be it further enacted,* That for the purpose of raising the money necessary to pay the borrowed money and its interests authorized by this act and by the act to which this act is a supplement, the said School Committee is hereby authorized and required to assess, levy and collect yearly (in addition to the amount of tax to be levied and collected for carrying on the school as fixed upon at the annual school election in April) of and from the taxable persons and property in said United School Districts the sum of five hundred dollars, provided that nothing herein contained shall be construed as authorizing the said committee to assess, levy and collect more money than shall be sufficient to fully pay the sum or sums of money so by this act and by the act to which this act is a supplement the said committee is authorized to borrow and the interest which shall accrue thereon. May assess, levy and collect, in addition to amount yearly collected, \$500.

Proviso.

*Passed at Dover, March 28, 1887.*

## OF FREE SCHOOLS.

## CHAPTER 56.

## FREE SCHOOLS.

AN ACT to transfer certain lands of Paron T Workman and Charles T Workman from consolidated School Districts Nos. 37, 146 and 147 to United School Districts No.\* 95 and 126, Sussex County.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Certain real estate transferred to United Districts 95 and 126, Sussex County.

SECTION 1. That the lands of Paron T. Workman and Charles T. Workman, now situated in consolidated School Districts Nos. 37, 146 and 147 be and the same is hereby transferred from said consolidated School Districts Nos. 37, 146 and 147, and shall hereafter constitute a part of United School Districts Nos. 95 and 126, Sussex County.

Assessed in said districts.

SECTION 2. That from and after the passage of this act, the aforesaid lands shall be assessed for school purposes in said United School Dists\* Nos. 95 and 126, Sussex County.

*Passed at Dover, March 29, 1887.*

## CHAPTER 57.

## FREE SCHOOLS.

AN ACT to authorize School District No. 90, in Kent County, to sell its school property, purchase other property, and borrow money.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

School Committee of District 96, Kent County, authorized to sell school property, and purchase other land.

SECTION 1. That the School Committee of School District No. 96, in Kent County, be and they are hereby authorized and empowered to sell either at private or public sale and to convey by good and sufficient deed any real or personal property now belonging to the said School District, and also to purchase, acquire, take and hold a convenient lot of land or site for a new school-house, and also to erect thereon a suitable new school building or buildings for the use of said School District.

\*So enrolled.

## OF FREE SCHOOLS.

SECTION 2. That the said committee is hereby further authorized and empowered to borrow the sum of one thousand dollars for the purpose of carrying into execution the provisions of Section 1 of this act, which said sum of money so authorized to be borrowed may be borrowed at one time and of one individual, or in different sums and at different times of one or more individuals.

Committee  
authorized  
to borrow  
\$1,000.

SECTION 3. That for the purpose of securing to the loaner or loaners, the payment of the money so to be borrowed under the provisions of this act, with interest thereon, the said School Committee is, hereby authorized and empowered to make and execute and deliver to the loaner or loaners the bond or bonds, with warrant or warrants of attorney annexed for the confession of judgment or judgments thereon of said district, and also a mortgage or mortgages upon any or all real estate owned by the said School District at the time of the execution thereof, which bond or bonds, or mortgage or mortgages, shall be signed by the said School Committee, and shall be sealed by the seal of the said School District hereinafter provided for. Such bond or bonds, or mortgage or mortgages, shall be made to become due and payable in six equal annual installments with the accrued interest on the whole sum unpaid, and shall bear interest at any rate not exceeding six per centum per annum.

Committee  
is author-  
ized to de-  
liver to  
loaner bond  
and mort-  
gage.

Bond and  
mortgage  
how  
signed.

Payable,  
when.

SECTION 4. That for the purpose of raising the funds necessary to pay the money authorized to be borrowed by this act with its interest according to the conditions in said bond or bonds, and mortgage or mortgages, the said School Committee of said School District is hereby authorized, empowered and required to levy, raise and collect, in each year as now provided by law in addition to the amount required to be raised for general school purposes such sum as shall be necessary to pay each annual installment of the amount which shall be borrowed under this act with the accrued interest on the whole sum unpaid.

School  
Committee  
authorized  
to levy and  
collect an  
additional  
sum.

SECTION 5. That commencing with the year A. D. 1887, and annually thereafter there shall be levied, raised and collected in said district for the purpose of maintaining and carrying on a school therein, by taxation, the sum of two hundred and fifty dollars. All dividends from the school fund to be drawn and appropriated as heretofore.

Sum of \$250  
to be raised  
for main-  
taining  
school.

SECTION 6. That the said School Committee is hereby directed and required to procure a common seal for the use of the said School District with such device thereon as the said

shall pro-  
cure a seal.

## OF FREE SCHOOLS.

committee may determine, which said seal shall be affixed to the said deed, bond, and mortgage, or bonds and mortgages, at the time they are executed.

If unable to agree with owner of land for its purchase, what proceedings may be had.

SECTION 7. That when the said committee of said district shall have selected a suitable and convenient site for the location of a new school-house, and cannot acquire title thereto by agreement with the owner thereof, or by reason of inability to agree; they shall take the necessary steps to acquire title thereto in the same manner and by the like proceedings as now provided by law in that behalf.

Proceeds of sale of property, how applied.

SECTION 8. That the proceeds of the sale of the property, real or personal, now belonging to the said district shall be applied to the payment of the cost of erecting said new school-house, or to the payment of the money borrowed under this act.

Faith of district pledged.

SECTION 9. That the faith of the said School District and the annual dividends from the school fund belonging thereto, are hereby pledged for the faithful payment of the principal and interest of said bond or bonds, and mortgage or mortgages, authorized by this act; and the said committee is hereby authorized to pay the expenses of procuring this act out of any moneys which may be in their hands.

Public act.

SECTION 10. That this act shall be deemed and taken to be a public act, and shall be published as such among the laws of this State.

*Passed at Dover, March 29, 1887.*

## OF FREE SCHOOLS.

## CHAPTER 58.

## FREE SCHOOLS.

A SUPPLEMENT to an act entitled "An act consolidating United School Districts Nos. 65 and 66, and United School Districts Nos. 42, 43, 68 and 70, in Kent County, for the purpose of authorizing the Board of Commissioners of the public schools of Milford, Kent County, to borrow money and for other purposes."

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. That the Board of Commissioners of the Public Schools of Milford, Kent County, are hereby authorized and empowered to borrow any sum of money not exceeding three thousand (\$3,000) dollars, for the purpose of building, rebuilding or repairing the school buildings and for furnishing the same; and are hereby further authorized to borrow the same at one time, or at different times in different sums of one or more individuals, provided that in the whole they shall not borrow more than three thousand dollars for the purpose aforesaid.

Commissioners of Milford Public Schools authorized to borrow \$,000.

SECTION 2. That for the purpose of securing to the loaner or loaners the payment of the money so to be borrowed under the provisions of this act, with interest thereon, the said Board of Commissioners are hereby further authorized and empowered to make and execute and deliver to the said loaner or loaners, the bond or bonds of the said Board of Commissioners of the Public Schools of Milford, Kent County, which bond or bonds shall be signed by the President of said Board and attested by the Secretary thereof, and shall be a lien upon the property of the Public Schools of Milford, Kent County, and the said bond or bonds shall be issued in sums of one hundred (\$100) dollars each, and made payable at such time or times as the said Board of Commissioners of the Public Schools of Milford, Kent County, may deem advisable, with the interest not to exceed six per centum per annum.

Authorized to make and execute to loaner bonds, &c.

How signed.

How issued, payable, when.

SECTION 3. That for the purpose of raising the funds necessary to pay the money authorized to be borrowed under this act, with the interest thereon, the Board of Commissioners of the Public Schools of Milford, Kent County, are hereby further authorized and empowered to assess, raise and collect annually, such sums of money as shall be sufficient to meet the interest on the money authorized to be borrowed,

Board is authorized to collect certain sums of money to pay interest and principal.

## OF FREE SCHOOLS.

and to pay not less than three hundred (\$300) dollars, nor more than five hundred (\$500) dollars per annum on the principal so borrowed.

*Passed at Dover, March 29, 1887.*

## CHAPTER 59.

## FREE SCHOOLS.

AN ACT to transfer the property of Rufus W. Mitchell from School District No. 155 to School District 10, of Sussex County.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Certain  
real estate  
transferred  
to District  
No. 10, in  
Sussex  
County.

SECTION 1. That the farm of Rufus W. Mitchell, now situated in School District No. 155, in Sussex County, be and the same is hereby transferred from said district No. 155, and shall hereafter constitute a part of School District No. 10, in said county.

Land shall  
be assessed  
in said dis-  
trict.

SECTION 2. That from and after the passage of this act the aforesaid farm shall be assessed for school purposes in said School District No. 10, of Sussex county.

*Passed at Dover, March 29, 1887.*

## OF FREE SCHOOLS.

## CHAPTER 60.

## FREE SCHOOLS.

AN ACT to dissolve School District No. 106, in Kent County.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. That School District No. 106, in Kent County, be and the same is hereby dissolved, and the persons and the territory embraced within the limits of the same be and they are hereby remitted and restored to the original School Districts from which they were taken; except the farm held and occupied by James L. Collee, which farm and premises are hereby placed and set over into School District No. 53, and the farm of John Gooden, now in tenure of Jonathan G. Gooden, which farm and premises are hereby placed and set over into School District No. 69, and the farm of William Gooden, now in tenure in William G. Gooden, which farm and premises are hereby placed and set over into School District No. 52, in Kent County, respectively.

School District No. 106 in Kent County dissolved. Property restored to original district. Exceptions

*Passed at Dover, March 31, 1887.*

## CHAPTER 61.

## FREE SCHOOLS.

AN ACT to divide School District No. 163, in Sussex County, into two districts.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. That School District No. 163, in Sussex County, be and the same is hereby divided into two School Districts, by the following dividing line:

Beginning at a point in the dividing line between the State of Delaware and the State of Maryland, in the centre of the Delaware Railroad, where the same intersects the said divid-

District No. 163 divided.

Boundaries



## OF FREE SCHOOLS.

ing line between the said States of Delaware and Maryland, and running from thence in a northerly direction, and with the center of the said Delaware Railroad to a point in said Railroad when the dividing line between said School District No. 163 and School District No. 163 1/2 crosses the said Railroad; and that all that part of the said District No. 163 lying west of the said dividing line shall be known and designated as District No. 163 1/2, in Sussex County aforesaid, and the new School District created by this act, shall have and enjoy all the rights, powers, incidents, immunities, privileges and benefits of a School District in this State, and be entitled to its proportional share of the School Fund of this State, apportioned to Sussex County, and shall be numbered 163 1/2, of the School Districts of Sussex County.

No. of new district.

Shall have proportion of school fund.

*Passed at Dover, March 31, 1887.*

## CHAPTER 62.

## FREE SCHOOLS.

AN ACT for the relief of School District No. 116, Kent County.

Preamble. WHEREAS, The residents of School District No. 116, Kent County, have been for several months past deprived of the benefit of a school by reason of the destruction of their school-house by fire; and

WHEREAS, There is now in the treasury of said district about one hundred and seventy-five dollars, which if applied toward the erection of a school-house, would enable the residents thereof to have and enjoy the benefit of a school at an early day; therefore,

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Commissioners of District 116, Kent County authorized to use money in treasury.

SECTION 1. That the Commissioners of said School District No. 116, Kent County, be and they are hereby authorized and empowered to appropriate and use the said sum of one hundred and seventy-five dollars, now in the treasury of said district, towards the erection of a new school-house in said district.

*Passed at Dover, April 4, 1887.*

## OF FREE SCHOOLS.

## CHAPTER 63.

## FREE SCHOOLS.

## AN ACT to incorporate the Colored Schools of Dover.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch concurring therein):*

SECTION 1. That on and after the first day of September, A. D. 1887, the town of Dover, as now bounded and the adjoining country for one mile in every direction, shall form a School District for colored school purposes, by the name of the "Dover Colored Schools," and shall be governed by a Board of Directors, to be composed of three members, who shall be elected as hereinafter provided.

Boundary  
of district.

Corporate  
name.  
Directors.

SECTION 2. That the qualified colored voters living within the limits of the district aforesaid shall on the last Saturday, in April, A. D. 1887, elect three directors, one of whom is to serve for the period of one year, one for two years, and one for three years, and annually thereafter one Director is to be elected for the term of three years as hereinafter provided.

Time of  
holding  
election of  
directors  
and num-  
ber of same.

SECTION 3. That a majority of the said board shall constitute a quorum, and any vacancy occasioned by non-election, death, resignation, or otherwise, shall be filled by the said board; any member of the board absenting himself from its stated meetings for three successive meetings without sufficient excuse may have his seat declared vacant by the board, and the said board may elect a member in his place.

Quorum.  
Vacancy,  
how filled.

SECTION 4. That the members of the said board shall be a corporation by the name of "The Board of Directors of the Dover Colored Schools," and by that name they and their successors shall have perpetual succession, and shall have and possess all the powers, rights, privileges, and franchises of a corporation necessary and proper to establish and maintain good schools for the education of the colored children within the district aforesaid between the ages of six and twenty-one years, and shall have full control of all the real and personal property which now belongs to the colored schools as at present established, or which may hereafter belong to said district; and may in the name aforesaid maintain, prosecute and defend all suits in law and in equity which may be necessary to protect the property of the said district, or to carry into effect the provisions of this act.

Powers of  
corporation.

## OF FREE SCHOOLS.

Time of  
organization.

Time of  
meetings.

Board shall  
appoint  
Treasurer  
and col-  
lector.

SECTION 5. That on the first Monday of May, A. D. 1887, the said board, elected as provided in Section 1, shall meet and organize for the year by electing one of their number as President, and one as Secretary. The board shall also hold stated meetings once every month; and special meetings at the call of the President or a majority of the board, the board shall have power to appoint a Treasurer and also a Collector of Taxes, both of whom shall be required to give bond with security for the faithful performance of their duties in such sums as the said board may determine. The Treasurer and Collector may, or may not, be members of the board. The board shall also have power to appoint all other officers, agents and teachers that may be necessary, and to fix their compensation and to make by-laws, rules and regulations for their own government, and for the schools.

May draw  
share due  
schools of  
said district  
due from  
State.

SECTION 6. That the said board shall have the right to draw the pro rata share which the school or schools of said district shall be entitled to from the State appropriation to colored schools by an order signed by the President and attested by the Secretary, and shall have power to fix such sum in addition thereto, as the said board may deem necessary to educate all the colored children in said district.

Time and  
manner of  
making  
assessment.

Assessment,  
how made.

Abatement  
upon tax  
assessed to  
June 10.

SECTION 7. It shall be the duty of the said board to make an assessment list for said district annually in the month of May. All real estate within said district owned by colored persons shall be assessed according to a certain rate, and upon every hundred dollars of the estimated value of the property assessed if sold for cash, and so pro rata. Every colored male person above the age of twenty-one years shall be rated for a capitation or poll tax in addition to the assessment of his real estate at a capital not exceeding \$500 nor less than \$100, provided that no property used for religious purposes shall be assessed for school purposes. Upon the completion of the assessment and levy of the school tax in said district said board shall determine the rate on every hundred dollars of the amount of the assessment list required to raise the sum levied with ten per centum added thereto for delinquencies and costs of collection. After determining the rate as aforesaid it shall and may be lawful for the Treasurer of said Board to accept and receive the tax of each and every person liable to pay the same who shall tender the payment thereof before the 10th day of June in the year in which said tax is levied, and the said Treasurer shall allow to each person so paying their tax within said time an abatement of eight per

## OF FREE SCHOOLS.

centum upon said tax. It shall be the duty of said Board on the 10th day of June in each year, or as soon after that date as practicable, to execute and deliver their warrant, with duplicate of the uncollected assessment lists to a collector specially appointed by said board, to execute the said warrant the said collector shall proceed in the manner and have all the powers of a collector of county taxes. The warrant shall be in the general form as prescribed in Chapter 42, Section 13, Revised Code.

Warrant,  
when de-  
livered to  
collector.

SECTION 8. That it shall be and may be lawful for said collector after demand made by him for the payment of the tax assessed against any person in said district, and the failure of said taxable to pay the same on demand, to attach any goods or chattels, rights or credits, money or wages, belonging or owing to said taxable, and the proceeding for so doing shall be the same as is prescribed in Chapter 354, Volume 16, Laws of Delaware.

Powers of  
collector.

SECTION 9. The Collector shall, within 90 days after receiving the warrant, pay to the Treasurer of said Board the amount which he is required to collect, deducting delinquencies, to be allowed by the said Board, and his fees, at the rate of ten per centum on the sum collected when it does not exceed fifty dollars, and eight per centum when it exceeds that sum, and said Collector and his sureties, by virtue of his official bond, shall be liable thereon for every failure of duty and default in the premises, which bond shall be proceeded on at the instance of the said Board.

Time of  
payment by  
the col-  
lector.

SECTION 10. If said Collector shall fail to pay to said Board the money collected by him on said warrant and due, said Board may, if the amount does not exceed one hundred dollars, sue him in the name of said Board, before a Justice of the Peace residing in Kent County, and recover the same.

Upon fail-  
ure to pay,  
board may  
sue.

SECTION 11. That said District shall be exempted from the provisions of the 48th chapter, vol. 15, Laws of Delaware, providing for the levying of a tax by the Levy Court for the support of colored schools.

District ex-  
empt from  
provisions  
of Chap. 48,  
Vol. 15.

SECTION 12. At the election for a member of the Board of Directors to be held on the last Saturday of April, A. D., 1888, and thereafter, all male colored persons residing in said District who have paid the school tax for the preceding year, and no others, shall be entitled to vote at said elections. Any one voting illegally shall forfeit and pay a fine not exceeding \$25 and be imprisoned for a term not exceeding three months.

Who may  
vote at  
election of  
directors.

Penalty for  
illegal  
voting.

*Passed at Dover, April 1, 1887.*

## OF FREE SCHOOLS.

## CHAPTER 64.

## FREE SCHOOLS.

AN ACT to transfer the farms and dwellings of John L. Rogers and Joshua V. B. Murray from School District No. 156 to United School Districts Nos. 32 and 108, in Sussex County.

*Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met:*

Farm  
transferred  
to Districts  
Nos. 32 and  
108.

SECTION 1. That the farms and dwellings of John L. Rogers and Joshua V. B. Murray, now situated in School District No. 156, in Sussex County, be and they are hereby transferred to United School Districts Nos. 32 and 108, in Sussex County.

*Passed at Dover, April 5, 1887.*

## CHAPTER 65.

## FREE SCHOOLS.

AN ACT to transfer the houses and lot of Wm. T. Brasure from School District No. 31 to 173 in Baltimore Hundred, Sussex County.

*Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met:*

Lot and  
buildings  
transferred  
to District  
No. 173

SECTION 1. That the lot and buildings thereupon of Wm. T. Brasure, now situated in School District No. 31, in Baltimore Hundred, Sussex County, be and they are hereby transferred to School District No. 173, in said Hundred and County.

*Passed at Dover, April 5, 1887.*

## OF FREE SCHOOLS.

## CHAPTER 66.

## FREE SCHOOLS.

AN ACT to authorize School District No. 119, in Kent County, to borrow money and for other purposes.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. That the School Committee of School District No. 119, in Kent County, is hereby vested with full power and authority to borrow the sum of six hundred dollars for the purpose of erecting an additional school building in said District as an annex to the present building in order to afford suitable facilities for the education of the children therein, and to give them the advantage of a graded school. *Provided*, however, that the legal school voters of said District at a meeting at the school-house therein, which shall be held on the second Saturday of May next between the hours of 2 o'clock and 5 o'clock in the afternoon, may by a majority thereof present determine whether a less amount than the sum of six hundred dollars shall be borrowed by the said School Committee for the purpose aforesaid. If the said voters at said meeting shall, by a majority of the votes present, decide that a sum less than six hundred dollars shall be borrowed for the purpose aforesaid, then the said School Committee shall only have power to borrow the amount so determined. The said School Committee shall give written notice of such meeting at least five days before the day of such meeting, posted in at least five of the most public places in said District. Such notice shall state the object of the meeting.

School Committee authorized to borrow money.

Vote on amount to be borrowed

Amount, how determined.

Written notice of meeting.

SECTION 2. That for the purpose of securing to the lender the payment of the money so to be borrowed under the provisions of this act, with interest thereon; the said School Committee is hereby authorized and empowered to make, execute, and deliver the bond of said School District with warrant of attorney for the confession of judgment thereon, and also a mortgage upon any or all real estate owned by the said School District at the time of the execution thereof, which bond and mortgage shall be signed by the said School Committee, and shall be sealed by the seal of the said School District hereinafter provided for. Such bond and mortgage shall be made to become due and payable in four equal annual installments with the accrued interest on the whole sum unpaid and shall bear interest at any rate not exceeding six per centum per annum.

Bond and mortgage to be given.

How payable. Rate of interest.

## OF FREE SCHOOLS.

Taxes, how  
levied.

Real estate  
to be as-  
sessed at its  
real value.

Amount  
raised for  
school pur-  
poses.

New build-  
ing, time  
for erection  
to be voted  
on.

District  
pledged for  
the pay-  
ment of the  
money.

SECTION 3. That for the purpose of raising the funds necessary to pay the money authorized to be borrowed by this act, with its interest, the said School Committee of said School District is hereby further authorized, empowered and directed to annually assess, levy and collect a sufficient amount to pay each instalment of said bond and mortgage until the whole thereof is paid; *provided*, and it is hereby made the duty of the said School Committee in assessing the tax by this Section authorized, so far as the same shall be assessed upon real estate, to assess such real estate at its assessed value upon the general assessment of Duck Creek and Kenton Hundreds, instead upon the clear rental value.

SECTION 4. That commencing with the year A. D. 1887, and annually thereafter the said School Committee of said School District shall have the authority to assess, levy and collect for general school purposes in the same manner as now provided by law a sum not exceeding seven hundred and fifty dollars.

SECTION 5. That the time for the erection of the said school building or buildings contemplated by this act shall be submitted to the legal voters of said School District at any stated, adjourned, or occasional meeting thereof, and a majority of the voters thereof in favor of any particular time at which such building shall commence shall govern the action of the said School Committee of said School District in respect to the same.

SECTION 6. That the faith of the said District and the annual dividend from the school fund belonging to said District are hereby pledged for the payment of the money which may be borrowed under this act; that the said School Committee is hereby required to procure a common seal for the use of said School District, with such device thereon as said committee may determine.

*Passed at Dover, April 5, 1887.*

## OF FREE SCHOOLS.

## CHAPTER 67.

## FREE SCHOOLS.

AN ACT providing for the appointment of a Superintendent of Free Schools for each of the Counties of this State.

*Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met:*

SECTION 1. That the offices of State Superintendent of free schools and of Assistant Superintendent of Free Schools for this State, shall be abolished from and after the expiration of the term of office of the present incumbents, and in lieu thereof there shall be appointed a Superintendent of free schools for each of the counties of this State.

State Superintendent and assistant abolished.  
County Superintendents.

SECTION 2. That the Governor of this State shall on the second Tuesday of April in the present year, and annually thereafter appoint and commission a suitable person to be Superintendent of Free Schools for New Castle County; and a like suitable person to be Superintendent of Free Schools for Kent County; and another like suitable person to be Superintendent of Free Schools for Sussex County. Each of the persons so appointed shall be of good moral character and well qualified by their mental and scholarly attainments for such office. The term of office of such appointees shall be for one year, and until their successors are appointed. And any vacancy by death, resignation, or otherwise, shall be filled by the Governor for the unexpired term. The persons so appointed shall after their appointment be residents of the county for which they are appointed, and shall continue such residents of the county during their term of office.

County superintendents, when appointed.  
Qualifications.  
Superintendents to be residents of county.

SECTION 3. The Superintendent shall visit each school within the county for which he is appointed at least twice a year, each visit to be of not less than two hours duration, provided said school is kept open at least eight months each year. He shall note in a book, to be kept for that purpose, the number of scholars, the condition of school building, ground and appurtenances, the qualification and efficiency of the teachers, the conduct and standing of the scholars, the method of instruction, and the discipline and government of the schools. In the visits of the Superintendent to the schools he shall advise with the teachers, respectively, and give them such instruction in regard to discipline and teaching as he may deem necessary; and shall have power to sus-

To visit the schools.  
School to be kept open, length of time.  
Qualifications of teachers.  
Discipline.  
Power to suspend teachers.



## OF FREE SCHOOLS.

Superintendent to engage in no other business.

pend or withdraw any teacher's certificate upon his refusal to comply with the reasonable directions of the Superintendent, subject, however, to an appeal as in other cases. He shall, by every means in his power, strive to promote and advance the cause of education and interest in the schools; and in order to secure his entire time he shall not engage in any other business, or pursue any other calling.

To examine teachers.

Who may attend examination.

Times and places of examination.

Who to have first grade certificate.

State board to approve certificate.

President of board to countersign certificate.

Certificate good for three years.

Second grade certificates, who entitled to.

Third grade good for one year.

Appeal.

SECTION 4. The Superintendent shall examine all persons who shall apply to him for that purpose, and who propose to teach in the county for which he is Superintendent. And any one interested may attend such examination, which may be oral, or by printed or written questions, or partly by each method. These examinations may be at such times and places as the Superintendent may appoint, having due regard to the necessities of the schools and convenience of the teachers. Every applicant who is of good moral character, and who shall be found qualified to teach orthography, reading, writing, mental arithmetic, written arithmetic, geography, history of the United States, English grammar, elements of rhetoric, algebra, geometry and natural philosophy, shall be recommended to the State Board of Education for a first grade certificate; and the said board approving the same shall authorize and direct such certificate to issue, signed by the Superintendent, recommending the same, and countersigned by the President of said board; and the certificate so issued shall be good for three years unless sooner revoked by the Superintendent for cause to be approved by said board. Every applicant who is of good moral character and who shall in examination answer ninety per centum of all questions asked in orthography, reading, writing, mental arithmetic, written arithmetic, geography, history of the United States, and English grammar, shall receive from the Superintendent a second grade certificate which shall be good for two years, unless sooner revoked for cause to be approved by said board. If any such applicant fail to answer ninety per centum of the questions asked in examinations in the branches mentioned for a second grade certificate but shall answer at least sixty per centum thereof, he shall receive from the Superintendent a third grade certificate, which shall be good for one year unless sooner revoked for cause. Any applicant having been refused a certificate may appeal to the State Board of Education. The Superintendent shall also keep an accurate list of all certificates granted by him, with the dates thereof and the names of the persons to whom granted.

## OF FREE SCHOOLS.

SECTION 5. The Superintendent\* provided for in this act shall each receive as compensation for their services annually the sum of one thousand dollars to be paid quarterly by the State Treasurer out of any moneys belonging to the State not otherwise appropriated. Compensation to Superintendent.

SECTION 6. That it shall not be lawful after the first day of September next for the School Commissioners of any School District of this State to employ as teacher any person who does not hold a certificate from the Superintendent of the County wherein said District is located; and any one so employed shall receive no compensation whatever. *Provided, however,* that any person holding a certificate from the State Superintendent of Free Schools prior to the second (2) Tuesday of April, one thousand eight hundred and eighty-seven (1887), may be employed to teach in any County of this State during the term for which the certificate shall continue in force, without the necessity of getting another certificate from the Superintendent of the County in which he proposes to teach. School Commissioners, who they may employ. Provision.

SECTION 7. The Superintendents provided for by this act shall annually on the first Tuesday in November in each and every year, report in writing to the President of the State Board of Education, the condition of the public schools, and make such recommendations and suggestions as they may think proper. Report to President of Board of Education.

SECTION 8. That the Superintendents provided for in this act shall not be allowed to purchase any of the school books used in the public schools of this State, at the expense of the State. Not to purchase books.

SECTION 9. The Secretary of State, President of Delaware College, and the three Superintendents provided for in this act, shall constitute a State Board of Education for this State, who shall meet on the first Tuesday of January in each and every year, in the Capital at Dover, at two (2) o'clock in the afternoon. The Secretary of State shall act as Secretary of said Board of Education. The President of Delaware College shall, by virtue of his office, be President of said Board of Education. The State Board of Education shall hear appeals and determine finally all matters of controversy between the Superintendent and teachers or any applicant for a certificate, and the Superintendent or Commissioners; and between school commissioners and teachers. The State Board of Education shall determine what text books are to be used in free schools of this State; *provided, however,* that the text State Board of Education, who shall constitute said board. Time and place of meeting. President of board. Text books in the free schools.

\*So enrolled.

## OF FREE SCHOOLS.

books decided upon by the State Board of Education, on the second (2) Tuesday of July, one thousand eight hundred and eighty-five (1885), shall not be changed until the expiration of five years thereafter. The State Board of Education shall issue a uniform series of blanks for the use of teachers, and shall require all records to be kept and returns to be made according to these forms. They shall also prepare and distribute the proper forms to be signed by the school commissioners of each district respectively certifying under their hands that they have adopted and used in their respective districts, the text books directed to be used by the State Board of Education, and no other, except in branches in which said board has given no direction. The members of the State Board of Education shall receive no salary or compensation for the performance of the duties thereof. A majority of the members of the State Board of Education shall constitute a quorum to do business, but a less number may adjourn from time to time until a quorum be obtained. Their secretary shall keep a record of their proceedings, and all books, papers, and other documents, shall be carefully preserved by the secretary, and be by him handed over to his successor in office.

SECTION 10. It shall be the duty of the President of the State Board of Education on the first Tuesday of December, one thousand eight hundred and eighty nine (1889), and biennially thereafter to report, in writing, to the Governor, the condition of the public schools, and to make such suggestions and recommendations in regard thereto as he shall deem proper and advisable; and he shall be allowed for his services in making such report, a sum not exceeding twenty-five dollars.

SECTION 11. That the act entitled "An act to appropriate money for free schools in this State, and for other purposes," passed at Dover, April the nineteenth, one thousand eight hundred and eighty-three (1883), be and the same is hereby amended by striking out the whole of Section eight (8) of said act, and by inserting in lieu thereof as Section eight (8), of said act, the following: "Section 8. That it shall be the duty of the Superintendent of Free Schools for each of the counties of this State to ascertain the amount due each school district or consolidation of districts, in the county wherein he is superintendent, under the provisions of this act, and to furnish a schedule thereof to the State Treasurer, on or before the first day of June, in each and every year. The amounts hereby appropriated and so ascertained, shall be paid by the

## OF FREE SCHOOLS.

State Treasurer, in the proportions provided in Section one (1), to the order of the school commissioners of the respective districts, or of the boards of education of consolidated school districts, when demanded by them after the ascertainment so made."

SECTION 12. That each superintendent provided for in this act shall hold a Teachers' Institute in the county of which he is superintendent, at least once a year, of at least three days session, at which time all the teachers in the county shall attend, unless unavoidably detained, at which time the superintendent shall give all the information to teachers within his power, and such other instructions as he may deem advisable for the advancement of education, and have a general interchange of views of teachers as to the wants of the various schools.

Teachers' Institute, when held.

Superintendent's duty.

SECTION 13. It shall be the duty of every teacher employed under the provisions of this act, to make out and hand to the commissioners of the district, at the end of each quarter, a report setting forth the whole number of pupils attending school during the quarter designated, whether male or female, the number of days each has attended, the books used and branches taught; and until such report shall have been made, it shall not be lawful for the Commissioners to pay such teacher his or her salary. The reports made in pursuance of this provision shall be forwarded annually in the month of April by the clerks of the several districts to the Superintendent of their County.

Teachers report, to whom made.

Report, to whom sent.

SECTION 14. That in the month of August next, and annually thereafter, the Trustees of the school fund shall set apart out of the portion of the school fund distributed to each county the sum of one hundred dollars, the same to be applied toward the expenses of holding the Teachers Institute in each county of this State, which sum so set apart to each of the said counties shall be paid to the Superintendent of free schools of each of the counties upon his draft on the Trustee of the school fund; and the money so drawn by him shall be expended by him towards defraying the expenses of the Teachers Institutes in the County for which he is Superintendent, and shall be used for no other purpose whatever.

Money for teachers institute.

Draft on State Treasurer for amount.

SECTION 15. It shall be the duty of the present State Superintendent of Free Schools, and of the Assistant Superintendent of Free Schools immediately upon the expiration of their present term of office to deliver to the Secretary of State all books, records, documents, report forms, blanks,

Books and papers, to whom delivered.

## OF FREE SCHOOLS.

For use of  
State Board of Edu-  
cation.

Books to be  
sold.

and all and every other matter or thing belonging to or connected with their said offices, or with either of them, which shall be kept by the Secretary of State for the use and benefit of the State Board of Education; and also to deliver to the said Secretary all school books belonging to the State which may be in their possession and which said school books shall be disposed of by the State Board of Education for the best price which can be obtained therefor, and the proceeds to be paid to the State Treasurer for the use of the State.

Deposita-  
ries of  
school  
books

Books to be  
disposed of.

Money due  
to State to  
be collected

SECTION 16. It shall be the duty of the County Superintendents, provided for in this act, as soon as conveniently may be after their appointment to collect from the several depositaries of school books within their respective counties all the school books which may have been deposited with them for distribution or sale and undisposed of, and when so collected to dispose of said school books for the best prices that can be obtained therefor, and the proceeds thereof, less the expenses, shall be immediately paid over to the State Treasurer for the use of the State. And it shall also be the duty of said County Superintendents to collect from any persons who may be depositaries of school books within his county all moneys which may be due from them for school books belonging to the State which they may have disposed of, and to pay the same when collected to the State Treasurer for the use of the State, and for this purpose the said County Superintendents are hereby directed to bring suit in the name of the State against any such depositary upon his failure to pay over the money after a reasonable demand has been made upon him therefor.

Incorpora-  
ted schools.

SECTION 17. The provisions of this act shall not apply to any school or School Districts managed or controlled by an incorporated Board of Education, unless by special request of said board.

Laws re-  
pealed.

Suing  
clause

SECTION 18. That all acts and parts of acts which are inconsistent with, or supplied by this act, be and the same are hereby repealed, saving and excepting, however, that all provisions of said repealed acts or parts of acts shall continue in full force and effect so far as to continue and preserve the liability of all persons with whom school books may have been deposited by the State Superintendent of Free Schools for distribution or sale, and for maintaining any suits against any of the said persons for said books, or for the proceeds of the sale or distribution thereof, and for carrying on said suits to final judgment and execution; and also for maintaining,

## OF FREE SCHOOLS.

carrying on and prosecuting to final judgment and execution any suits for the recovery of any school books belonging to the State, and for the recovery of any money that may be due to the State from the State Superintendent of Free Schools, or from the person who held the office of State Superintendent of Free Schools, by reason or on account of anything or matter whatsoever. Suits against any person or persons with whom school books may have been deposited for sale or distribution by the State Superintendent of Free Schools shall be brought in the name of the State of Delaware by the Superintendents of Free Schools for the County wherein such person may reside. And suits against the State Superintendents of Free Schools, or the person who held the office of State Superintendent of Free Schools for the recovery of any moneys due from him to the State, or for any school books belonging to the States, shall be brought in the name of the State of Delaware by the State Treasurer. If the amount be less than one hundred dollars, such suit or suits may be brought before any Justice of the Peace of this State, or if exceeding this amount, such suits shall be brought in the Superior Court in and for any county of this State.

Suits to be  
in the name  
of the State

Suits may  
be brought  
before Jus-  
tice, when.

SECTION 19. That three Superintendents are hereby required to attend all the Institute meetings.

Superin-  
tendents to  
attend In-  
stitutes.

*Passed at Dover, April 7, 1887.*

## CHAPTER 68.

## FREE SCHOOLS.

AN ACT to divide School District "No. 81," in New Castle County.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. That all that part of School District No. 81, in New Castle County, lying and being on the southwardly side of the public road leading from the "Pine Tree Corner" through Gum's Corner and through the town of Townsend to the Levels, shall be an additional School District of said

School Dis-  
trict No.  
81, New  
Castle  
County dis-  
solved

## OF FREE SCHOOLS.

County, and shall be numbered in continuation of the Districts of said County, to wit: No. 81½, and shall have all the rights, authorities and privileges of the School Districts of this State.

Time of holding election of clerks and commissioners for said district.

SECTION 2. That the qualified school voters of said School District, No. 81½, shall meet on Saturday, the 2nd day of April next, at the Town Hall, at the hour prescribed by law for the holding of annual school meetings, and shall elect by ballot a clerk to serve for the term of three years thereafter, and two commissioners, one for the term of two years and another for the term of one year, or in each case until a successor be chosen, and shall do all things necessary and proper to be done at any annual school meeting. It shall be the duty of the clerk of said School District No. 81 to give due notice of the time and place of holding such meeting. At every annual meeting thereafter the said school voters shall as aforesaid elect one member of the School Committee to serve for the term of three years as a successor to the member whose term shall at that time expire according to this act.

Notice.

Voters shall elect annually.

School Committee to provide for holding school.

SECTION 3. That until the erection of a school-house in said District No. 81½ it shall and may be lawful for the School Committee of said District to provide for the tuition of the school children therein at the school-house No. 81 upon such just and proper terms as may be agreed upon between the School Committee aforesaid, and the School Committee of said District No. 81.

*Passed at Dover, April 11, 1887.*

## OF FREE SCHOOLS.

## CHAPTER 69.

## FREE SCHOOLS.

AN ACT to Provide for the Study of Scientific Temperance in the Public Schools of Delaware.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. Provision shall be made immediately upon the passage of this act, by the School Commissioners and local School Boards, for instructing all pupils in all public schools receiving aid from the school fund of the State, in Physiology and Hygiene, with special reference to the effects of alcoholic drinks, stimulants and narcotics upon the human system, such instructions to be given orally in primary schools where pupils cannot read.

*Pupils to be instructed in Physiology and Hygiene.*

SECTION 2. No certificate shall be granted any person to teach in the public schools of the State of Delaware after the first day of January, eighteen hundred and eighty-eight, who has not passed a satisfactory examination in Physiology and Hygiene, with special reference to the effects of alcoholic drinks, stimulants and narcotics upon the human system.

*Certificates, when to be granted, persons to teach.*

SECTION 3. It shall be the duty of the State or County Superintendent to see that the provisions of section one of this act are fully complied with.

*Duty of County Superintendent.*

SECTION 4. All acts or parts of acts not in harmony with this act are hereby repealed.

*Passed at Dover, April 12, 1887.*



## OF FREE SCHOOLS.

## CHAPTER 70.

## FREE SCHOOLS.

AN ACT to extend the limits of School District No. 88 in New Castle County.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Certain  
lands trans-  
ferred to  
School Dis-  
trict 88.

SECTION 1. That the farm, mansions, and all the lands now lying in School Districts No. 55 and 74, New Castle County, of John B. Le Fevre, William King, Juch Estate, Jonathan E. George, Denney Estate, and Charles M. Lunn, District No. 74, now Richard T. Cann's, shall hereafter be and form a part of School District No. 88, in County aforesaid.

Liable to  
taxation.

SECTION 2. That from and after the passage of this act the aforesaid farms and mansions, and every person residing thereon, shall enjoy all the advantages and privileges and be subject to all the duties and liabilities of taxables of said School District No. 88, in New Castle County, and are hereby relieved and discharged from the same in School District No. 55 and 74, in said County.

SECTION 3. *And be it further enacted,* That this act shall be deemed and taken to be a public act.

*Passed at Dover, April 13, 1887.*

## OF FREE SCHOOLS.

## CHAPTER 71.

## FREE SCHOOLS.

AN ACT in Relation to School District No. 35, in Kent County.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. That from and after the passage of this act it shall be the duty of Thomas Camper, one of the School Committee of said District No. 35, in Kent County, to call a meeting of the school voters in said District, upon the usual notice; the time for said meeting shall be designated in the notices to be posted by said Camper. The school voters present shall have all the powers and privileges as the school voters in any School District in the State at any annual stated meeting. At said meeting the payment of a school tax for any year prior thereto shall not be requisite or qualification for a voter. Any male person twenty-one years of age and upwards, residing in said District, shall be entitled to vote at said meeting. <sup>Meeting of school voters.</sup> <sup>Their powers.</sup> <sup>Right to vote.</sup>

SECTION 2. That of the money levied and raised in said School District No. 35, for general school purposes for the year 1887, seventy-five dollars may be used for the purpose of repairing school building in said District. <sup>Repair of buildings.</sup>

*Passed at Dover, April 15, 1887.*

## OF FREE SCHOOLS.

## CHAPTER 72.

## FREE SCHOOLS.

AN ACT for the relief of the Commissioners of School District No. 51, Sussex County.

Committee  
authorized  
to borrow  
money for  
new school  
house.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. That the School Committee of the said District be authorized to apply money in hand for the purpose of paying for a new school-house in said District.

*Passed at Dover, April 15, 1887.*

## CHAPTER 73.

## FREE SCHOOLS.

AN ACT transferring the farm of Augustin A. Chapman from School District No. 42, New Castle County, to School District No. 44, in said County.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Certain real  
estate trans-  
ferred to  
School Dis-  
trict No. 44,  
New Castle  
County.

SECTION 1. That the farm now belonging to Augustin A. Chapman, situated in School District No. 42 in New Castle County, shall hereafter be and form a part of School District No. 44, in New Castle County aforesaid, and all and every the persons residing on the said land and farm herein mentioned, all the advantages and privilege, and that the said Augustin A. Chapman and the person or persons hereafter owning said land and farm, or living on the same, shall be subject to all the duties and liabilities of taxables of said School District No. 44. And further that they are hereby relieved and discharged from the same in said School District No. 42, in New Castle County aforesaid. This act shall be deemed and taken to be a public act.

Subject to  
all duties  
and liabili-  
ties of taxa-  
bles of  
district.

*Passed at Dover, April 18, 1887.*

## OF FREE SCHOOLS.

## CHAPTER 74.

## FREE SCHOOLS.

A SUPPLEMENT to the act entitled "An act to authorize the School Committee of School District No. 96, in Kent County, to sell its school property, purchase other property and borrow money."

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. That the bond or bonds, and mortgage or mortgages, provided for in the act entitled "An act to authorize the School Committee of School District No. 96, in Kent County, to sell its property, purchase other property and borrow money," passed at Dover during the present session of the General Assembly, may be made and executed by a majority of the School Committee in said School District.

*Passed at Dover, April 18, 1887.*

## CHAPTER 75.

## FREE SCHOOLS.

AN ACT in relation to School District No. 173, in Sussex County.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. That there shall be hereafter annually levied and collected by taxation in School District No. 173, in Sussex County, the sum of one hundred and fifty dollars instead of seventy-five dollars, as now by law required, and the School Commissioners of said School District No. 173 are hereby authorized and empowered to levy and collect the said sum of one hundred and fifty dollars in the same manner as the said sum of seventy-five dollars has heretofore been levied and collected.

*Passed at Dover, April 19, 1887.*

## OF FREE SCHOOLS.

## CHAPTER 76.

## FREE SCHOOLS.

AN ACT to transfer the house and farm of George J. Derrickson from School District No. 28 to 181, in Baltimore Hundred, Sussex County.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Certain real  
estate  
transferred  
to district  
No. 181,  
Sussex  
County.

SECTION 1. That the farm, and buildings thereupon, of George J. Derrickson, now situated in School District No. 28, in Baltimore Hundred, Sussex County, be and are hereby transferred to School District No. 181, in said hundred and county.

*Passed at Dover, April 19, 1887.*

## CHAPTER 77.

## FREE SCHOOLS.

AN ACT in relation to United School Districts Nos. 32 and 108, in Sussex County.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

School  
Commis-  
sioners of  
United Dis-  
tricts Nos.  
32 and 108,  
Sussex  
County, au-  
thorized to  
levy and  
collect \$200.

SECTION 1. That there shall be hereafter annually levied and collected by taxation in United School Districts Nos. 32 and 108, in Sussex County, the sum of not less than two hundred dollars instead of one hundred and fifty dollars as now by law required, and the School Commissioners of said United School Districts, Nos. 32 and 108, are hereby authorized and empowered to levy and collect the said sum of two hundred dollars in the same manner as the said sum of one hundred and fifty dollars has heretofore been levied and collected.

*Passed at Dover, April 19, 1887.*

## OF FREE SCHOOLS.

## CHAPTER 78.

## FREE SCHOOLS.

AN ACT to transfer the farm of Oliver J. Lafferty from School District No. 97 to School District No. 9, in Kent County.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. That the farm of Oliver J. Lafferty, now situated in School District No. 97, in Kent County, be and the same is hereby transferred to School District No. 9, in said county, and shall hereafter constitute a part of the said School District No. 9. Certain real estate transferred to District No. 9, in Kent County.

SECTION 2. That from and after the passage of this act, the aforesaid farm of Oliver J. Lafferty shall be subject to assessment for school purposes in said School District No. 9, and shall be relieved and discharged from assessment in said School District No. 97, in Kent County. Property to be assessed in said district.

*Passed at Dover, April 19, 1887.*

## CHAPTER 79.

## FREE SCHOOLS.

AN ACT authorizing the Commissioners of School District No. 44, of New Castle County, to borrow money to build a new school-house.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. That the School Commissioners of School District No. 44, in New Castle\*, or their successors in office, be and they are hereby authorized, directed and empowered to borrow upon such terms and conditions as in their discretion they may think best, the sum of one thousand dollars for the purpose of erecting and furnishing a school-house for said district, and to secure the payment of the same with interest in annual instalments of one hundred dollars each. School Commissioners of District No. 44, New Castle County, authorized to borrow \$1000.

\*So enrolled.

## OF FREE SCHOOLS.

Commissioners to levy and collect additional tax.

SECTION 2. *And be it further enacted*, That the said Commissioners and their successors in office are hereby authorized, directed and required to levy and collect yearly (in addition to the tax for carrying on the school directed to be levied at the stated meeting) such sum of money as shall be necessary to meet said annual payment and pay the same according to the condition upon which the said sum of one thousand dollars was borrowed, the same to be levied as other school money is levied in said district.

SECTION 3. *And be it further enacted*, That the said Commissioners may apply whatever money is now in hand, or may accumulate above what is necessary to meet the current expenses of the school, to the building fund.

Committee to present accounts and vouchers.

SECTION 4. *And be it further enacted*, That the money borrowed under the authority of Section 1st of this act shall be expended by the authority and under the supervision of the Commissioners of the said district who shall present their accounts, together with their vouchers to the school voters of said district at the annual meeting of said voters for settlement.

*Passed at Dover, April 18, 1887.*

## CHAPTER 80.

## FREE SCHOOLS.

AN ACT authorizing the Commissioners of District No. 132, in Sussex County, to expend certain money, and to change the location of the school-house.

Preamble.

PREAMBLE: Whereas at a stated meeting of the voters in School District No. 132, in Sussex County, it was unanimously resolved that the balance of seventy-five dollars (now in their hands) should be expended in and about the improvements and furnishing and moving the school-house in the said district; therefore,

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. That the School Commissioners of School Dis-

## OF FREE SCHOOLS.

trict No. 132, in Sussex County, be and they are hereby authorized and empowered to expend the sum of seventy-five dollars (it being the unexpended balance of the school fund for the said district now in their hands) for the purpose of improving and furnishing, and the removing of the school-house in the said district to some more central and convenient point therein; and for this purpose they are hereby empowered to purchase and acquire title for the use of the said district of a lot suitable for the purpose, and to place the school building thereon.

Commissioners of District No. 132, Sussex County, authorized to use unexpended balance of school fund of district.

*Passed at Dover, April 19, 1887.*

## CHAPTER 81.

## FREE SCHOOLS.

AN ACT to authorize School District No. 53, in New Castle County, to borrow money, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. That the School Committee of School District No. 53, in New Castle County, be and they hereby are authorized and empowered to sell at their discretion the school building situated in said district, and to select a suitable and convenient site for the location of a new school-house and acquire title thereto in the same manner as now provided by law. And when said site is obtained the said School Committee are hereby authorized and empowered to erect thereon such building, or buildings, as will afford suitable facilities for the education of the children in the said district, and give them the advantage of a graded school.

School Committee of District No. 53 authorized to sell school building.

May select another site and erect suitable school building.

SECTION 2. That for the purpose of carrying into effect the provisions of Section 1 of this act the said School Committee of said School District are hereby vested with full power and authority to issue and sell two bonds of the denomination of one thousand dollars each, which said bonds shall be dated on the       day of       A. D. 1887, and numbered as one and two, and shall bear interest at a rate not ex-

May issue bonds.

Denomination, &c.



## OF FREE SCHOOLS.

Rate of interest and when payable. ceeding six per centum per annum payable annually at the Delaware City National Bank, of Delaware City, Del., on presentation of the coupon representing said annual interest, each annual instalment of interest being represented by coupons attached to said bonds. The principal of said bonds shall be payable at the Delaware City National Bank, Delaware City, Del., as follows, to wit: The first on the first day of May, A. D. 1897; and the second on the 1st day of May, A. D. 1902. Said bonds shall be signed by said School Committee and have affixed thereto the seal hereinafter provided for. The form of said bonds may be in the following form, to wit:

Bonds payable, when and where.

## STATE OF DELAWARE.

School District No. 53, in New Castle County.

No.

Form of bond.

These presents certify and make known that School District No. 53, in New Castle County, is held and firmly bound unto the bearer in the sum of        dollars lawful money of the United States of America, which the said School District binds itself to pay to the bearer on the first day of May, A. D. \*1887, with interest at the rate of        per centum per annum payable at the Delaware City National Bank, Delaware City, Del., on the first day of May in each and every year until the principal be paid, upon presentation of the coupons hereto annexed, representing such annual instalment of interest. Witness the seal of said School District No. 53, in New Castle County, and the hands of the committee of said district this    day of        A. D. 188    .

[SEAL.]

\_\_\_\_Clerk.

\_\_\_\_Commissioner.

\_\_\_\_Commissioner.

The said coupons shall be numbered and signed by the clerk of said School District, which shall be cancelled or destroyed as they are paid.

Committee shall procure a seal.

SECTION 3. That the said School Committee are hereby directed and required to procure a common seal for the use of said district with such device thereon as the said committee may determine.

Additional sum to be levied.

SECTION 4. That for the purpose of paying the interest on said bonds as the same shall accrue or become due, and to pay the principal thereof at the time said bonds are respectively made payable, the said School Committee are hereby

\*So enrolled.

## OF FREE SCHOOLS.

authorized, empowered and directed to assess and levy annually, in addition to the amount which may be annually assessed, levied and collected for general school purposes, such sum as the said committee may deem necessary to meet the annual interest on said bonds, and establish a sinking fund to pay off the principal at maturity, which tax so assessed and levied shall be collected in the same manner as other school taxes are collected.

SECTION 5. That the faith of the said School District and the annual dividends from the school fund belonging thereto are hereby pledged for the payment of the principal and interest of said bonds according to the tenor thereof. Faith of the district and dividends pledged.

SECTION 6. That the money arising from the sale of the old building shall be appropriated towards the erection of the new school-house or building contemplated by this act. Money from sale of buildings, how applied

*Passed at Dover, April 20, 1887.*

## CHAPTER 82.

## FREE SCHOOLS.

AN ACT to Transfer the Farms and Dwellings of Elijah E. Ryan and Elisha Q. Ryan from School District No. 132 to School District No. 141, Sussex County.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met.*

SECTION 1. That the farms and dwellings of Elijah E. Ryan and Elisha Q. Ryan, now situated in School District No. 132, be and they are hereby transferred to School District No. 141, Sussex County. Certain real es are transferred to District 141, Sussex County.

*Passed at Dover, April 20, 1887.*

OF FREE SCHOOLS.

## CHAPTER 83.

## FREE SCHOOLS.

AN ACT to authorize the School Committee of School District No. 130, in Kent County, to Raise Money for the Purpose of Building a new School House.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

**The sum of \$400 to be raised by taxation for building school-house.  
How raised.**

**Provise.**

### Assessment how made.

**School  
Committee  
may borrow  
\$300.**

How appropriate.

Loan to be secured by bond and mortgage.

Rate of interest.

SECTION 1. That for the purpose of erecting and constructing a new school-house in School District No. 130, in Kent County, there shall be raised by taxation in the said District the sum of four hundred dollars in manner following, viz: One hundred dollars thereof in the year A. D., 1887, other one hundred dollars thereof in the year 1888, other one hundred dollars thereof in the year A. D., 1889, and the remaining one hundred dollars in the year A. D., 1890, and the same shall be assessed, levied and collected accordingly, and shall, when collected, be appropriated to the payment of the moneys expended in constructing the new school house aforesaid. *Provided*, and it is hereby made the duty of the said School Committee of said School District, in assessing the tax by this act authorized, so far as the same shall be assessed upon real estate, to assess such real estate at its assessed value upon the general assessment of Duck Creek Hundred instead of upon the clear rental value as required by law. If the said School Committee shall deem it expedient they shall have full power and authority to borrow the sum of three hundred dollars, which shall be payable in three equal annual instalments, and the moneys to be raised by taxation in the year 188- 189- and 190- shall when, and as soon as collected, be appropriated and applied towards the payment of the money so borrowed. The said loan to be secured by bond and mortgage of the said School District. The said School Committee, in raising the money required by this act, shall in the same manner raise a sufficient amount of money to pay the interest on the money which they may borrow under this act. The interest shall be at a rate not exceeding six per cent.

*Passed at Dover, April 20, 1887.*

## OF FREE SCHOOLS.

## CHAPTER 84.

## FREE SCHOOLS.

AN ACT to transfer the farm and premises of John H. McGinnis from School District No. 69 to School District No. 53, in Kent County.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. That the farm and premises of John H. McGinnis, situated in West Dover Hundred and in School District No. 69, in Kent County, be and the same is hereby transferred to School District No. 53, in Kent County, which shall only be subject to taxation in said School District No. 53. Certain real estate transferred to District No. 53, Kent County.

SECTION 2. That from and after the passage of this act the said John H. McGinnis shall be entitled to all the privileges and benefits of the school in said District No. 53.

*Passed at Dover, April 20, 1887.*

## CHAPTER 85.

## FREE SCHOOLS.

AN ACT transferring the farms now belonging to John W. Conaway, and situate in School District No. 154, in Sussex County, from said District No. 154 to School District No. 56, in said county.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. That the farms now belonging to John W. Conaway, situate in School District No. 54, in Sussex County, shall hereafter be and form a part of School District No. 56, in Sussex County aforesaid; and all and every the person residing on the said land and farms herein mentioned, and all persons who may hereafter reside therein, shall enjoy all the advantages and privileges, and that the said John W. Conaway and the person or persons hereafter owning said land and Certain real estate transferred to District No. 56, in Sussex County.

## OF FREE SCHOOLS.

Persons living on said land subject to some duties as taxables of district No. 56.

farms, or living \*in the same, shall be subject to all the duties and liabilities of taxables of said School District No. 56; *and further*, that they are hereby relieved and discharged from the same in said District No. 154, in Sussex County aforesaid. This act shall be deemed and taken to be a public act.

*Passed at Dover, April 21, 1887.*

## CHAPTER 86.

## FREE SCHOOLS.

AN ACT to change the boundaries of School Districts Numbers 73 and 87, in Brandywine Hundred, in the County of New Castle in the State of Delaware.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Certain land annexed to School District No. 73 in New Castle County.

SECTION 1. That all that portion of land situate in the Hundred of Brandywine, in the County of New Castle, in the State of Delaware, adjoining the present westerly boundary line of School District No. 73, bounded on the north by the southerly boundary line of School District No. 7, on the south by the northerly boundary line of School District No. 73, and on the west by easterly side of "The Wilmington and Grand Valley Turnpike Road," shall be annexed to and be made a part of School District No. 73, in Brandywine Hundred, in the County of New Castle aforesaid, from and immediately after the passage of this act, and the boundary lines of District No. 73 are hereby extended so as to include within the boundaries of said district all of land contained within the limits above mentioned in Section 1 of this act.

Boundary lines extended.

Certain other land annexed and made a part of District No. 87.

SECTION 2. That all that portion of land situate in Brandywine Hundred, in the County of New Castle, in the State of Delaware, adjoining the present easterly boundary line of School District No. 87, bounded on the north by the southerly boundary line of School District No. 8, on the south by the northerly boundary line of the city of Wilmington, on the east by the westerly side of "The Wilmington and Grand

\*So enrolled.

## OF FREE SCHOOLS.

Valley Turnpike Road," and on the west by the present easterly boundary line of School District No. 87, shall be annexed to and be made a part of School District No. 87, in Brandywine Hundred, in the County of New Castle aforesaid, from and immediately after the passage of this act, and the boundary lines of School District No. 87 are hereby extended so as to include within the boundaries of said district all of the land contained within the limits above mentioned in Section 2 of this act. <sup>Lines extended.</sup>

SECTION 3. This act shall be deemed and taken to be a public act. <sup>Public act.</sup>

*Passed at Dover, April 21, 1887.*

## CHAPTER 87.

## FREE SCHOOLS.

A Supplement to an act entitled "An Act to Dissolve School District No 106, in Kent County."

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. That the act entitled "An Act to dissolve School District No. 106, in Kent County," be amended by adding the following words as an additional section to said act. <sup>Act to dissolve School District 106, amended.</sup>

SECTION 2. That all moneys remaining in the hands of the School Committee for the year 1886, derived from taxation in said District for the year 1886, and from the sale of the furniture and other property of the said District, shall go to the School Fund of Kent County, and that the said School Committee, after accounting to the Auditor of Accounts for their action in this behalf, shall deliver all books and records of said District to the Clerk of the Peace for Kent County, to be preserved in his office. <sup>Moneys remaining in hands of school committee and sale of property to go to the school fund of Kent County.</sup>

*Passed at Dover, April 21, 1887.*

## OF FREE SCHOOLS.

## CHAPTER 88.

## FREE SCHOOLS.

AN ACT to amend an act entitled "An Act to authorize School District No. 17, in Kent County, to Borrow Money and secure the Payment of the same." Passed at Dover, March 24, 1887.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Act of  
March 24,  
1887,  
amended.

SECTION 1. That the act entitled "An act to authorize School District No. 17, in Kent County, to borrow money and secure the payment of the same," passed at Dover, March 24, 1887, be and the same is hereby amended by adding to the end of Section 1 of said act the following: "And to secure the payment of the said money so to be borrowed, the said School Commissioners shall execute, under their hands and seals as such Commissioners, a bond for the said sum, when said bond shall, when entered, be a lien on all the real estate of the said School District No. 17, in Kent County.

Bond to be  
a lien.

*Passed at Dover, April 21, 1887.*

## CHAPTER 89.

## FREE SCHOOLS.

AN ACT to incorporate the Colored School of Slaughter Neck, Sussex County.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch concurring therein):*

SECTION 1. That from and after the first day of September, A. D. 1887, that the lands included in the following boundary lines, viz: Beginning at the mouth of "Prime Hook Creek" and following that stream to "Waples Mill," from thence following county road to "Jefferson's Cross Roads," thence following county road to "Cedar Creek," thence following that stream to its mouth thence; down the

Boundaries  
of School  
District for  
Colored  
School pur-  
poses.

## OF FREE SCHOOLS.

bay shore to the place of starting, and the property adjoining these lines shall form a School District for colored school purposes by the name of the Slaughter Neck colored school, and shall be governed by a Board of Directors to be composed of three members, who shall be elected as hereinafter provided.

SECTION 2. That the qualified colored voters living within the limits of the district aforesaid, shall on the last Saturday of April, A. D. 1887, elect three directors, one of whom is to serve for the period of one year, one for two years and one for three years, and annually thereafter one director is to be elected for the term of three years, as hereinafter provided. Directors when elected.

SECTION 3. That a majority of the said board shall constitute a quorum, and any vacancy occasioned by non-election, death, resignation, or otherwise, shall be filled by the said board. Any member of the board absenting himself from its stated meetings for three successive meetings without sufficient excuse may have his seat declared vacant by the board\* may elect a member in his place. Quorum.  
Vacancies, how filled.

SECTION 4. That the members of the said board shall be a corporation by the name of the Board of Directors of the "Slaughter Neck Colored School," and by that name they and their successors shall have perpetual succession, and shall have and possess all the powers, rights, privileges and franchises of a corporation necessary and proper to establish and maintain good schools for the education of the colored children within the district aforesaid, between the ages of six and twenty-one years, and shall have full control of all the real and personal property which now belongs to the colored school as at present established, or which may hereafter belong to the said district, and may in the name aforesaid maintain, prosecute and defend all suits in law and in equity which may be necessary to protect the property of the said district, or to carry into effect the provisions of this act. Corporation.  
Powers.

SECTION 5. That on the first Monday of May, A. D. 1887, the said board, elected as provided in Section 1, shall meet and organize for the year by electing one of their number as President and one as Secretary. The board shall also hold stated meetings once every month, and special meetings at the call of the President, or a majority of the board. The board shall have power to appoint a Treasurer and also a "Collector of Taxes," both of whom shall be required to give bond, with security, for the faithful performance of their Time of organization.  
Stated meetings, how held.  
Power of appointment.

\*So enrolled.



## OF FREE SCHOOLS.

duties, in such sums as the said board may determine. The treasurer and collector may or may not be members of the board; the board shall also have power to appoint all other officers, agents and teachers that may be necessary, and to fix their compensation and to make by-laws, rules and regulations for their own government and for the schools.

Pro rata  
share, how  
drawn.

SECTION 6. That the said board shall have the right to draw the pro rata share which the school or schools of said district shall be entitled to from the State appropriation to colored schools, by an order signed by the President and attested by the Secretary, and shall have power to fix such sum in addition thereto as the said board may deem necessary to educate all the colored children in the said district.

Assessment  
how made.

SECTION 7. It shall be the duty of the said board to make an assessment list for said districts annually in the month of May. All real estate within said district owned by colored persons shall be assessed according to a certain rate in and upon every hundred dollars of the estimated value of the property assessed, if sold for cash, and so pro rata. Every colored male person above the age of twenty-one years shall be rated for a capitation, or poll tax, in addition to the assessments of his real estate at a capital not exceeding \$500 nor less than \$100; *provided*, that no property used for religious purposes shall be assessed for school purposes. Upon the completion of the assessment and levy of the school tax in said district said board shall determine the rate in every hundred dollars of the amount of the assessment list required to raise the sum levied with ten per centum added thereto for delinquencies and costs of collection. After determining the rate as aforesaid, it shall and may be lawful for the Treasurer of said board to accept and receive the tax of each and every person liable to pay the same who shall tender the payment thereof before the 10th day of June, in the year in which said tax is levied, and the said Treasurer shall allow to each person so paying their tax within said time an abatement of eight per centum upon said tax. It shall be the duty of said board on the 10th day of June in each year, or as soon after that date as practicable, to execute and deliver their warrant, with duplicate of the uncollected assessment list, to a collector especially appointed by said board. To execute the said warrant the said collector shall proceed in the manner and have all the powers of a collector of county taxes. The warrant shall be in the general form, as prescribed in Chapter 42, Section 13, Revised Code.

Treasurer  
may receive  
taxes.

Warrant  
and dupli-  
cate, when  
delivered to  
collector.

## OF FREE SCHOOLS.

SECTION 8. That it shall be and may be lawful for said collector, after demand has been made by him for the payment of the tax assessed against any person in said district and the failure of said taxable to pay the same on demand, to attach any goods or chattels, rights or credits, moneys or wages, belonging or owing to said taxables, and the proceedings for so doing shall be the same as is prescribed in Chapter 354, Vol. 16, Laws of Delaware.

Powers of collector.

SECTION 9. The collector shall within 90 days after receiving the warrant to pay to the Treasurer of said Board, the amount which he is required to collect, deducting delinquencies, to be allowed by said board, and his fees at the rate of ten per centum on the sum collected, when it does not exceed fifty dollars, and eight per centum when it exceeds that sum; and said collector and his sureties, by virtue of his official bond, shall be liable thereon for every failure of duty and default in the premises, which bond shall be proceeded on at the instance of the said board.

Payments, when to be made by the collector.

Per cent.

SECTION 10. If said collector shall fail to pay to said Board the money collected by him on said warrant and due said board, may, if the amount does not exceed one hundred dollars, sue him in the name of said board, before a Justice of the Peace residing in Sussex County, and recover the same.

Upon failure to pay, suit may be brought against collector.

SECTION 11. That said district shall be exempt from the provisions of the 48th Chapter, Vol. 15, Laws of Delaware, providing for the levying of a tax by the Levy Court, for the support of colored schools.

Exempt from provisions of Chapter 48, Vol. 15, Laws of Delaware.

SECTION 12. At the election for a member of the Board of Directors, to be held on the last Saturday of April, A. D. 1888, and thereafter all male colored persons residing in said district who have paid the school tax for the preceding year, and no others shall be entitled to vote at said elections. Any one voting illegally shall forfeit and pay a fine not exceeding \$25 and be imprisoned for a term not exceeding three months.

Qualified voters

*Passed at Dover, April 21, 1887.*

## OF FREE SCHOOLS.

## CHAPTER 90.

## FREE SCHOOLS.

AN ACT transferring a portion of the farm of Thomas H. Fooks from School District No. 154, in Sussex County, to School District No. 94, in Sussex County.

WHEREAS. The mansion house and larger portion of the farm of Thomas H. Fooks, of Nanticoke Hundred, Sussex County, is now situate and is in School District No. 94, in said county, and the remainder of the farm, with a small tenant house thereon, is situate and lies in School District No. 154, in said county.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Farm  
transferred.

Enjoy all  
rights of  
taxables.

SECTION 1. That all that portion of the farm of Thomas H. Fooks, now situate and lying in School District No. 154, in Sussex County, be and the same is hereby transferred to and the same shall hereafter form a part of School District No. 94, in Sussex County aforesaid, and every person residing upon the premises within named, or who may hereafter reside thereon shall enjoy all the rights and privileges, and be subject to all the liabilities of taxables of said School District No. 94, and the said Thomas H. Fooks and his lands as aforesaid, are hereby relieved and discharged from the same in School District No. 154, in said county.

SECTION 2. That this act shall be deemed and taken to be a public act.

*Passed at Dover, April 22, 1887.*

## OF FREE SCHOOLS.

## CHAPTER 91.

## FREE SCHOOLS.

## AN ACT to Encourage the Education of the Colored People.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. That the Levy Courts in the several counties of this State be and they are hereby authorized and required annually, in the month of April to lay and apportion a tax of thirty cents on the hundred dollars, and so pro rata upon the assessments of the real and personal property and poll of colored persons as they shall stand upon the assessment lists of the several hundreds, which shall be set apart as a separate and distinct fund for the support and maintenance of colored schools in this State.

Apportionment of taxes on poll and personal property.

The warrant required to be issued to the Collectors of the several hundreds shall include the taxes levied under this act, the said taxes shall be collected by the Collectors aforesaid, by the same process as other taxes are now, and paid over as hereinafter directed; *provided* that the territory embraced in the town of Dover, and one mile from the boundaries thereof, and the territory embraced in and subject to an act entitled "An Act to incorporate the Slaughter Neck Colored Schools," passed at Dover, April 21, 1887, shall be exempt from the provisions of this section.

Warrant to collectors to include said taxes.

What territory exempt from operation of this act.

SECTION 2. All moneys collected under this act shall be paid as other taxes to the Treasurer of each county to be held and kept by said Treasurers as a distinct and separate fund for the support and maintenance of the colored schools, and shall be paid and expended as hereinafter directed. The official bond of the treasurers and collectors of each county shall be liable for the moneys collected and received under this act; and said officers shall be entitled to the same commissions for the collection and application of the moneys received under this act, as for the collection and application of county taxes. The provisions of Section 4, Chapter 354, Volume 16, Laws of Delaware, shall apply to the taxes collected under and by virtue of this act.

Money collected, to whom paid.

Treasurer's and collectors' bonds liable.

SECTION 3. That the sum of six thousand dollars be and the same is hereby appropriated annually from the State Treasury to be used in the support and maintenance of colored schools in the State, said amount to be divided into three

Six thousand dollars appropriated, how divided.

## OF FREE SCHOOLS.

equal parts, and one of said parts to be paid by the State Treasurer to the treasurer of each of the counties of the State, on or before the first day of October of each year to be expended as provided in Section 5 of this act.

Superintendent to have supervision.

SECTION 4. The Superintendents of Free Schools in each county shall have general control and supervision of the colored schools in their respective counties. It shall be their duty in the month of September of each year to prepare an estimate, showing the amount to which each school shall be entitled for the ensuing school term, based upon the amount of taxes received under this act for any preceding year, and the amount received from the annual appropriation from the State Treasury. The amount so, as aforesaid estimated, shall be divided into as many monthly parts as is deemed most advantageous for the schools; *provided* that the total amount of taxes collected in any hundred shall be expended in said hundred, and said amount shall be distributed, as nearly as possible, in equal monthly parts to the respective schools of each hundred; *and, provided*, that the amount arising from the State appropriation shall be distributed in equal parts among all of the schools of the respective counties.

Amount how divided and distributed.

Amounts how paid.

SECTION 5. The amounts coming to the hands of the county treasurers, under the provisions of this act, shall be paid out by orders drawn by the respective County Superintendents, said superintendents to furnish the treasurers with a copy of the annual estimate made in accordance with Section 4 of this act. If in any hundred in the State no school should be kept the amount arising from school taxes under this act shall be held by the treasurers and his successors in office until a school, or schools, shall be organized and kept in each hundred, when it shall be applied as herein provided. The county treasurers shall make a settlement with the State Auditor in the month of April in each year of all moneys received and expended under this act, and they shall pay over to their successors the balances remaining in hand at the expiration of their terms of office.

When no school, amount to be held.

County Treasurers to make settlement.

Acts repealed.

SECTION 6. That the act entitled "An act to tax colored persons for the support of their own schools," passed at Dover, March 24, 1875, and amended April 19, 1883, and "An act for the maintenance of colored schools in this State," passed at Dover, April 10, 1883; and all acts or parts of acts, inconsistent with the provisions of this act, be and the same are hereby repealed.

*Passed at Dover, April 22, 1887.*

OF THE POOR, INSANE, DEAF AND DUMB, AND THE BLIND.

## TITLE SIXTH.

Of the Poor, the Insane, Deaf and Dumb, and the Blind.

### CHAPTER 92.

AN ACT to Provide for the Indigent Insane of the State of Delaware.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

SECTION 1. That whenever the relatives or friends of an indigent lunatic or insane person, or a citizen of this State, shall apply to the Chancellor of this State, either personally or by petition, together with the certificate of two practicing physicians of the county wherein such lunatic or insane person shall reside, one of whom shall be the regular physician of the Almshouse of said county, setting forth the facts of said lunacy or insanity, the cause or causes if known, and the necessity in their opinion of a better or more efficient mode of medical treatment in such case than can be afforded in the Almshouse of the county wherein such indigent lunatic or insane person may reside, the Chancellor shall, if satisfied with the proofs offered of such lunacy or insanity, refer such application to the Trustees of the Poor of said county for information as to the indigency of said person for whom application is made or any other matter the said trustees may deem necessary in the case, whereupon if said reports be satisfactory the Chancellor shall recommend in writing to the Governor that such indigent lunatic or insane person be removed to the Insane Department of the New Castle County Almshouse. *Proceedings in case of indigent lunatic.*

*Provided*, that not more than ten (10) indigent lunatic or insane persons from each of the counties of Kent and Sussex shall be in said asylum at the same time; and, *provided further*, that this shall not prevent the Trustees of the Poor of either county of Kent or Sussex from placing any indigent

*If Chancellor is satisfied with proof, shall refer application to Trustees of the Poor.*

*When Chancellor shall recommend.*

*When removed.*

*Proviso.*

## OF THE POOR, INSANE, DEAF AND DUMB, AND THE BLIND.

lunatic or insane person that may be placed in their keeping in the said Insane Department of New Castle County Almshouse for whom no application may be made, and who in their opinion may require special treatment.

Governor  
may cause  
lunatics in  
asylums out  
of State to  
be released.

SECTION 2. That all indigent lunatic or insane persons who have heretofore been removed from this State under and pursuant to any law now or heretofore in force in this State, to any asylum, hospital or institution in any other State, shall upon the written request of the Governor of this State to the proper authorities of the said asylum, hospital or insane institution addressed, be sent and returned to the Almshouse of the county, in which they have residence, for suitable and proper location and treatment under the provisions of this act.

When in-  
digent  
lunatic  
may be re-  
turned.

SECTION 3. That whenever the principal physician of the said Insane Department of the New Castle County Almshouse shall represent to the Trustees of the Poor of the county from which said indigent lunatic or insane persons may have been rendered, that any such person has been cured by the treatment prescribed or so far benefited and improved in condition as to render his or her further residence in said department unnecessary, or that the said person is after full and sufficient opportunity and treatment incurable, then he or she shall upon the written request of the Trustees of the Poor addressed to the proper authorities of the said insane department be, if cured or relieved as aforesaid, discharged from said institution, or if incurable as aforesaid, be returned to the Almshouse of his county of residence for cure and confinement.

Cost and  
charges,  
how borne.

SECTION 4. That all costs and charges for the maintenance and proper medical treatment of each and every indigent lunatic or insane person as shall be committed under this act to the said Insane Department of the New Castle County Almshouse shall be provided for and settled annually by and between the Trustees of the Poor of New Castle County and the Trustees of the Poor of the county from which such indigent lunatic or insane persons shall have been sent or committed. *Provided*, that in no case shall the said costs or charges for any one person exceed the sum of one hundred and twenty-five dollars for any one year of treatment.

Proviso.

Semi-an-  
nual report  
to be made  
to Trustees.

SECTION 5. That the proper authorities of the Insane Department of New Castle County Almshouse shall semi-annually, or at other times, at the request of the Trustees of the

## OF THE POOR, INSANE, DEAF AND DUMB, AND THE BLIND.

Poor of either of the other counties where such indigent lunatic or insane persons may reside, render full report to said trustees of the condition, mode of treatment and prospect of cure of all such persons committed to their charge, with any further information they may deem necessary and proper.

SECTION 6. That the act passed at Dover, March 29th, 1871, entitled "An act to provide for the indigent insane of the State of Delaware, be and the same is hereby repealed. Act passed March 29, 1871, repealed.  
*Provided*, that nothing in this Section shall be taken or construed to prevent the Trustees of the Poor from recalling any indigent lunatic or insane person from the said insane department when in their opinion it may be deemed necessary and proper. Provi o.

*Passed at Dover, April 19, 1887.*



## TITLE SEVENTH.

### Of the General Police.

#### CHAPTER 93.

##### GENERAL PROVISIONS RESPECTING THE POLICE.

AN ACT for the protection of timber and other property from destruction by fire.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Unlawful  
to set fire to  
grass, &c.,  
without  
first giving  
notice.

SECTION 1. That from and after the passage of this act it shall not be lawful for any person to set fire to any grass, brush, or other substance, where the burning thereof will in any manner endanger any timber, either standing or felled, or other property, without first giving sufficient notice to the owners or occupiers of such timber and property as will enable them to take such necessary steps to guard against such damages as they may deem proper, of his intention to set fire to such grass, brush or other substance, and using all due and necessary precaution on his part to prevent any damages or loss to the timber or property of others.

Person vio-  
lating Sec-  
tion 1. shall  
be fined.

SECTION 2. That any person violating Section 1 of this act shall, upon conviction thereof before any Justice of the Peace of this State, be by said Justice fined any sum not exceeding twenty-five dollars and costs of prosecution, and besides, be liable in a suit for damages that may be sustained by any one on account of his failure to comply with the provisions of this act.

*Passed at Dover, April 18, 1887.*

## OF TAVERNS.

## CHAPTER 94.

## OF TAVERNS.

AN ACT to amend an act for the Suppression of Intemperance, Passed at Dover, April 5, 1881.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, as follows:*

SECTION 1. That Section ten of an act entitled, An act for the suppression of intemperance, passed at Dover, April 5, 1881, be and is hereby amended by striking out said Section ten. Section 10  
of act  
amended.

SECTION 2. That Sections 11, 12, 13, 14 and 15, shall be Sections 10, 11, 12, 13 and 14, of said act. Further  
amended.

*Passed at Dover, March 28, 1887.*

## CHAPTER 95.

## OF TAVERNS.

AN ACT to repeal an act entitled a Supplement to the act entitled "An Act for the suppression of Intemperance," Passed at Dover, April 8, 1881.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, as follows:*

SECTION 1. That the act entitled a supplement to the act entitled, An act for the suppression of Intemperance, passed at Dover, April 8th, 1881, be and is hereby repealed. Act re-  
pealed.

*Passed at Dover, March 28, 1887.*

## OF THE PROTECTION OF MUSKRATS.

## CHAPTER 96.

## OF THE PROTECTION OF MUSKRATS.

AN ACT to repeal Chapter 376, Volume 15, Delaware Laws.

*Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met:*

SECTION 1. That Chapter 376, Volume 15, Laws of Delaware, be and the same is hereby repealed.  
 Chapter 376, Vol. 15 repealed. *Passed at Dover, April 21, 1887.*

## CHAPTER 97.

## FOR THE PROTECTION OF MUSKRATS.

AN ACT for the Protection of Muskrats.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Unlawful  
to kill  
muskrats  
by aid of  
lights.

SECTION 1. That from and after the passage of this act it shall be unlawful for any person within this State to pursue, hunt or kill any muskrat in the night time with the aid of a lantern or any artificial light.

Found  
hunting  
with light,  
guilty of  
nuisance.

SECTION 2. That if any person shall be found upon the waters or marshes of this State in the night time pursuing or firing at the said muskrats with the aid of a lantern or any artificial light, such person shall be deemed guilty of a common nuisance, and upon conviction thereof before any Justice of the Peace in this State, shall be fined five dollars for each and every offence. And if any person shall kill any of the said muskrats by any means contrary to the provisions of this act, he shall be deemed guilty of a common nuisance, and upon conviction thereof, before any Justice of the Peace within this State, shall be fined five dollars for each and every muskrat so killed, and the possession of said muskrats by any person being at the time on the water in the night time with a lighted lantern or other artificial light, shall be deemed *prima facie* evidence that such muskrats have been killed by such persons in violation of this act.

Killing by  
means of a  
light, guilty  
of a nuisance.

Fine.

## OF THE PROTECTION OF MUSKRATS.

SECTION 3. That the Justices of the Peace shall have plenary jurisdiction of all offences against the provisions of this act, and upon affidavit made that a person has violated the same, it shall be the duty of any Justice of the Peace in the county forthwith to issue his warrant, directed to the sheriff or any constable in the county, directing him to arrest the person so charged and bring him forthwith before such Justice for trial, and if upon such trial the said Justice shall find that the person arrested has violated any of the provisions of this act, and such person shall fail to pay forthwith the fine imposed by said Justice in accordance with the provisions of this act, together with the costs of the prosecution, such person shall be committed by said Justice to the custody of the sheriff for thirty days unless said fine and costs be sooner paid. All fines collected under the provisions of this act shall be paid one-half to the informer and one half to the use of the State.

Justice  
jurisdiction.  
Powers.  
  
Failure to  
pay fine  
shall be  
committed.  
Fines to  
whom paid.

*Passed at Dover April 21, 1887.*

## CHAPTER 98.

## GENERAL PROVISIONS RESPECTING THE POLICE.

AN ACT to amend Chapter 62, Volume 15, Part 1 of the Laws of Delaware.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. That Section 2 of Chapter 62, Volume 15, Part 1, of the Laws of Delaware, be and the same is hereby amended by the striking out the word "shall" in the next to the last line of said Section 2, and substituting therefor the words: "May at the discretion of the officer presiding at the trial."

Section 2,  
Chapter 62,  
Vol. 15  
amended.

SECTION 2. That Section 5 of Chapter 62, Volume 15, Part 1 of the Laws of Delaware, aforesaid, be and the same is hereby amended by adding at the close of said Section 5 the following words, to wit: *Provided*, that in all cases

Section 5,  
Chapter 62,  
Vol. 15,  
amended.

## GENERAL PROVISIONS RESPECTING THE POLICE.

wherein the fine imposed shall exceed the sum of five dollars, there shall be the right of appeal to the Court of General Session of the Peace and Jail Delivery, which appeal shall be allowed by the justice if claim be made by the defendant, his agent, or attorney, at any time within five days from the day the judgment is given, and sufficient security be tendered for appearance to cover the judgment appealed from and the costs of appeal, as in civil cases; and should judgment be reversed the payment of all costs shall be as ordered by the Court."

*Passed at Dover, February 23, 1887.*

## CHAPTER 99.

## OF FISH, OYSTERS AND GAME.

## AN ACT for the protection of Fisheries in this State.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Persons placing deleterious matter in waters of the State, or catching fish with same guilty of a misdemeanor.

Penalty

Penalties recovered, how applied.

SECTION 1. *Be it enacted,* That it shall not be lawful for any person or persons to place in any of the ponds, lakes, rivers or streams of this State, or in any of the waters belonging to the State, any lime, gas tar, coculus-indicus (otherwise known as fish berries), or any other deleterious substance, or take or catch fish with any deleterious substance or medicated bait, nor shall any person or persons make use of giant or electric powder, or any explosive substance whatever for the purpose of taking fish, and any person or persons offending against the provisions of this section of this act shall be guilty of a misdemeanor, and upon conviction shall be punished by imprisonment for a period not exceeding six months or by a fine not exceeding fifty dollars, or by both, such fine and imprisonment, at the discretion of the Court before which such conviction shall be had.

SECTION 2. *And be it enacted,* Of all penalties recovered under this act one-half shall go to the informer and the other half shall be paid to the State Treasurer to be paid by him

## OF FISH, OYSTERS AND GAME.

upon demand to the Fish Commissioner of this State to be used by him in the performance of his duties, and accounted for by him in his report.

SECTION 3. *And be it enacted,* That this act shall take effect immediately.

*Passed at Dover, April 5, 1887.*

## CHAPTER 100.

## OF FISH, OYSTERS AND GAME.

A SUPPLEMENT to Chapter 507, Volume 17, Laws of Delaware, entitled of Fish, Oysters and Game.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. That from and after passage of this act it shall be unlawful for any person not a citizen of this State to hunt, kill, take or destroy, sell, or expose for sale, or have in his or her possession after the same has been killed, any partridge, grouse, quail, woodcock, rabbit or hare, reed bird, ortolon or rail, unless he shall have first obtained a license from the "Delaware Game Protective Association."

Unlawful for non-resident to have in possession quail, &c., unless having a license.

SECTION 2. The license provided for by section 1 of this act shall only be issued by the said "Delaware Game Protective Association" on payment of the sum of twenty-five dollars for every such license. And the said license shall not be taken to permit the killing of any game bird mentioned in said section 1 for market or purposes of sale. One-half of the price of every such license shall be paid by said "Delaware Game Protective Association" to the Trustee of the School Fund, and the same shall be equally divided between the three counties of this State.

License, when issued.

Money obtained from licenses, how applied.

SECTION 3. That from and after the passage of this act it shall be unlawful for any person within this State to hunt, kill or destroy, while the ground is covered with snow, any partridge, grouse, quail, woodcock, rabbit or hare, or have in

Unlawful to hunt, &c., while ground is covered with snow.

## FISH, OYSTERS AND GAME.

his or her possession any bird or animal mentioned in this act that has been killed or taken as aforesaid.

Person  
guilty to  
be deemed  
guilty of a  
common  
nuisance.

SECTION 4. That if any person shall be found guilty of violating any of the provisions of this act he shall be deemed guilty of a common nuisance, and upon conviction thereof before any Justice of the Peace in this State, he or she shall be fined five dollars and costs for each and every offence and be committed to the jail of the county until said fine and costs are paid.

Justices of  
the Peace  
shall have  
jurisdiction.

Duty and  
powers of  
justice.

SECTION 5. That the Justices of the Peace in this State shall have plenary jurisdiction of all offences against the provisions of this act, and upon the affidavit made that a person has violated any of the provisions of this act, to forthwith issue his warrant, directed to the sheriff or to any constable, commanding him to arrest the person so charged and to bring him or her forthwith before such Justice for trial, and if upon such trial the said Justice shall find that the person arrested has violated any of the provisions of any section of this act, and such person shall fail to pay forthwith the fine imposed by said Justice, together with costs of prosecution, such person shall be committed by said Justice to the custody of the sheriff for thirty days unless said fine and costs be sooner paid.

*Passed at Dover, April 20, 1887.*

## OF FISH, OYSTERS AND GAME.

## CHAPTER 101.

## OF FISH, OYSTERS AND GAME.

AN ACT in relation to the time of catching oysters in the creeks of this State on the Delaware Bay.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. That on and after the passage of this act, Chapter 81, Chapter 84, Volume 17, of the Laws of this State, relating to the time of catching oysters in the creeks of the Delaware Bay is hereby repealed. Chapter 81, Vol. 17, Laws of Delaware, repealed.

*Passed at Dover, April 21, 1887.*

## CHAPTER 102.

## OF FISH, OYSTERS AND GAME.

AN ACT to prevent fishing with seines in the Brandywine Creek in tide water.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. That from and after the passage of this act it shall not be lawful for any person or persons within New Castle County to catch or take any fish in Brandywine Creek below the lower dam, or in the tide water, by means of haul seines. Unlawful to fish in the Brandywine below lower dam with seine.

SECTION 2. That any person or persons violating the provisions of this act shall forfeit and pay the sum of twenty dollars and costs of suit for every such offense, to be recoverable before a Justice of the Peace, by an action of debt in the name of the State of \* as debts are now recoverable by law, one-half to be paid to the treasurer of the county and Penalty for violation of act.

\*So enrolled.



## OF FISH, OYSTERS AND GAME.

the other half to the informer. If such fine and costs are not paid as herein provided then such person or persons shall undergo an imprisonment in the county jail for five days.

*Passed at Dover, April 22, 1887.*

## CHAPTER 103.

## OF ROADS AND BRIDGES.

AN ACT to lay out a new public road in South Murderkill Hundred.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Commis-  
sioners.

Location.

Damages.

Surveyor.

Plot and re-  
turn to  
Levy Court.  
Levy Court  
may make  
appropri-  
ation.

SECTION 1. That John W. Downham, Edmond Bailey, Frederick Freidel, John Heyd and Andrew Holden, five judicious and impartial citizens of Kent County, be and they are hereby appointed to go upon and view the premises and determine whether there is need for a new public road in South Murderkill Hundred, in Kent County, to begin in the centre of the public road leading from White Hall to Plymouth, at a corner for lands of L. Douse and lands of Sarah Walston's heirs, and to run from thence in a southerly direction through the lands of the said L. Douse to a marked gum tree, a corner for lands of the said L. Douse and lands of John and Nathaniel Harrington; thence to run through lands of the said L. Douse and lands of Hazel and Pennewill until it intersects the public road leading from Magee's Chapel Corner to Felton, opposite the public road (known as the Burnite road,) leading to Sandtown, and if they, or a majority of them, shall determine that there is need of a new road they shall lay out the same and assess the damages and costs, and the expense thereof of making said road, and cause a survey thereof to be made by some skillful surveyor by them to be selected, and cause a plot to be made to accompany their return to the Levy Court of Kent County. The Levy Court may make appropriation for opening the same as a public road. After making allowance for the costs on the proceedings, and when the draught and return shall have been so

## OF ROADS AND BRIDGES.

returned and approved, the said new road shall be deemed and taken as a public road in like manner as other public roads in Kent County.

SECTION 2. That the Commissioners and the Surveyor be sworn or affirmed before entering upon the duties hereby assigned to perform the same faithfully and impartially; which oath or affirmation may be administered among themselves or by any other person duly authorized to administer the same. <sup>Oath to be taken.</sup>

SECTION 3. That the pay of the Commissioners, Surveyor and chain carriers shall be such as the Levy Court may deem proper. <sup>Fees.</sup>

*Passed at Dover, February 8, 1887.*

## CHAPTER 104.

## OF ROADS AND BRIDGES.

AN ACT authorizing the laying out of a new public road in South Murderkill and Mispillion Hundreds, Kent County and State of Delaware.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. That Peter K. Meredith, John H. Schabinger and P. T. Lofland, three judicious and impartial citizens and freeholders of South Murderkill and Mispillion Hundreds, County and State aforesaid, be and they are hereby appointed to go upon and view the premises and determine whether there is need of a new public road to begin at a point in the old public road leading from Masten's Corner to Frederica on a line between lands of George W. Killen and lands of Wm. T. Creadick, and to run from thence in part between lands of said George W. Killen and lands of said Wm. T. Creadick, along said Creadick's outlet and in part across lands of said George W. Killen a southerly course to Murderkill Creek branch, thence crossing said Murderkill Creek branch in a southerly <sup>Location.</sup>

## OF ROADS AND BRIDGES.

direction to a point on the south side of said branch at or near a corner between lands of James C. Reed and lands of Nancy Wyatt, wife of John Wyatt; and thence still in a southerly direction on or about the line between lands of said James C. Reed and lands of Nancy Wyatt to intersect the public road known as the "Henry Road," leading from Morris' old mill to Laws' Chapel, a distance of about one mile; thence through lands of Thomas E. Killen and between lands of Henry C. Wolcott and lands of Joshua Hill, through lands of Joseph Booth and between lands of Phillip J. Thistlewood and Joseph Booth on or near an old roadway, and between lands of Joseph Booth and Joseph Richardson until it intersects the public road leading from Harrington to Frederica between lands of said Booth and said Richardson, and if they or a majority of them shall determine that the public convenience requires the laying out and making a new public road on the route designated, they shall, with the assistance of a skillful surveyor, after being duly sworn or affirmed, lay out such new road as they deem proper, and shall cause a plot thereof to be made representing the courses and distances thereof, and shall assess the damages of every owner of land through which said road shall pass, taking into consideration all the circumstances of benefit as well as injury, and they shall make a computation of the cost of opening and making said road.

Surveyor.

Plot and return to be made.

Damages.

SECTION 2. That the plot and return so to be made as aforesaid by the said commissioners, or a majority of them, shall be returned to the Clerk of the Peace, in and for Kent County, to be by him laid before the Levy Court of said county that they may make appropriation for the opening and making of the same as a public road.

Plot and return to be filed with the clerk of the peace.

SECTION 3. That the commissioners are hereby authorized to administer oaths to each other and to the surveyor by them employed; and that the compensation of the commissioner's surveyor and chain carriers shall be such as the Levy Court may deem proper.

Fees.

*Passed at Dover, February 8, 1887.*

## OF ROADS AND BRIDGES.

## CHAPTER 105.

## ROADS AND BRIDGES.

AN ACT to lay out a new public road in Kenton Hundred, Kent County and State of Delaware.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. That Samuel Hutchinson, Jr., Francis M. Burrows and Wm. B. Hazel, three judicious and impartial citizens of Kent County, be and they are hereby appointed Commissioners. Commissioners to go upon and view the lands and determine whether there is need of a public road in Kenton Hundred aforesaid: Beginning in the public road leading from and by the "Seven Hickories" to Shorts' Corner, at a point at or near the Big Oak, opposite the lands of Thomas Shaw, and running thence in a northern direction through lands of Peter Loose, lands of John Numbers, lands of Robert Hill, lands of the heirs of Randall Bray, now deceased, lands of Cuessen Barnholtzer, lands of David S. Wilds, lands of the Kenton Methodist Episcopal Church, and through any other lands of whomsoever the same may pass, to a point in the public road leading from Short's Corner to Kenton, opposite the Kenton Methodist Episcopal Burial Ground; and if they or a majority of them shall determine that there is need of a new public road as above located they shall, with the assistance of a Surveyor to be selected by them, lay out a new public road of the width of thirty feet, and shall cause a plot thereof to be made representing the courses and distances thereof through whose land the same shall pass, and they shall assess the damages of every owner of said lands, taking into consideration all the benefit as well as injury which will accrue to each of the owners, and they shall make a computation of the costs of opening and making said road, the bridges and causeways included, setting down the several items of costs, and shall make return of all their proceedings to the Clerk of the Peace in and for Kent County, and shall be by him filed in his office as a record of a public road in Kent County. The report shall be under the hands of said Commissioners or a majority of them.

Location.

Duties of commissioners.

Returns to be made to the Clerk of the Peace.

SECTION 2. It shall be the duty of the Clerk of the Peace at the next regular or adjourned session of the Levy Court of Kent County, after the return has been made to him, and by him filed in his office, to lay the same before the Levy

Duty of Clerk of the Peace.

## OF ROADS AND BRIDGES.

Court aforesaid, and when said return and plot are approved by the said Levy Court, an appropriation may be made for opening the same as a public road, and when opened shall in all respects be a public road in Kent County.

Commissioners to be sworn or affirmed.

Vacancy, how filled.

SECTION 3. That the Commissioners shall be sworn or affirmed to perform their duties with fidelity. Any Commissioner neglecting or refusing to serve or dying before the duties required of him under this act shall be fully completed, the Associate Judge residing in Kent County may appoint some person or persons to fill the vacancy or vacancies so occurring upon the application of three citizens of Kent County by petition preferred to said Judge.

Fees.

SECTION 4. That the Commissioners shall be allowed one dollar per day for each day's actual service in the performance of their duties. The Surveyor shall be allowed such compensation as the Levy Court may determine. The fees of Commissioners, Surveyor and other persons employed shall be paid by the said Levy Court.

*Passed at Dover, February 15, 1887.*

## CHAPTER 106.

## OF ROADS AND BRIDGES.

AN ACT to authorize the laying out of a new road in Broad Creek Hundred, Sussex County.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met.*

Commissioners.

Location.

SECTION 1. That Thomas H. Riggin, Thomas Pepper and Jacob W. Cannon be and they are hereby appointed commissioners to go upon and view the premises and determine whether there is need of a public road in Broad Creek Hundred, Sussex County, Del., to begin at what is known as the Laurel and Millsboro road, and opposite the end or mouth of a public road that leads from the said Laurel and Millsboro road, and run from thence across lands of Hudson Hitchens,

## OF ROADS AND BRIDGES.

better known as the "Julia Field," in a southerly direction to lands of John H. Shiiles, then across the same on or near the road bed of a private road that leads by a tenant house of the said Shiiles, still following said private road bed across James W. Hastings' land to land owned by Joseph C. Warrington, then across the same to and terminating at the public road leading from Shiloh Meth. Prot. Church to Rodney's Store, and if they or a majority of them shall determine that there is need of such a road they shall, with the assistance of a skillful surveyor to be by them elected, lay out such new road as they may deem proper, having respect to the nature of the ground, the shortness of the distance, and all circumstances of public convenience, and shall cause a plot thereof to be made representing the courses and distances thereof and they shall assess the damages which may be sustained by any owner or owners of land through which the said road shall pass, taking into consideration the circumstances of benefit as well as injury which will accrue to each of said owners by reason of laying out of said road, and they shall make a computation of the cost of opening and making said road, and if a road shall be laid out shall, in their return to be made to the Clerk of the Peace, in and for Sussex County, set forth a description of said road, their determination that there is need of the same for public travel and convenience, and an estimate of the cost thereof, setting down the several items of said costs, and shall annex to their said return the plat as aforesaid.

Plot to be made.

Damages.

Return to be made to the Clerk of the Peace.

SECTION 2. That the plat and return so to be made as aforesaid by the said commissioners shall be returned to the Clerk of the Peace, in and for Sussex County, to be by him laid before the Levy Court of said county, and if the Levy Court shall approve the said road so laid out as aforesaid they shall make such allowances as may be necessary to make and open the same; and when said road shall have been adopted as a public road by said Levy Court the same shall remain subject to the same regulations and laws as other public roads in said county.

Duty of the Clerk of the Peace.

SECTION 3. That the said commissioners and surveyor, before performing their respective duties under this act, shall be severally sworn or affirmed, to perform the same according to the best of their skill and judgment, either of said commissioners may administer the oath or affirmation to the other commissioners and to the surveyor; and any act or determination of a majority shall be as valid as if all had concurred.

Commissioners and surveyor to be sworn.

## OF ROADS AND BRIDGES.

**Vacancy.** In case of a vacancy or vacancies in the number of commissioners hereinbefore named from any cause, another or other  
**How filled.** commissioners may be appointed by any Justice of the Peace in said county. The fees of commissioners, surveyor and  
**Fees.** chain carriers shall be the same as are provided by law for similar service in laying out of public roads, and shall be paid by the Levy Court of Sussex County.

SECTION 4. That this act shall be deemed and taken to be a public act.

*Passed at Dover, February 15, 1887.*

## CHAPTER 107.

## OF ROADS AND BRIDGES.

AN ACT authorizing Stansbury C. Matthews to straighten a Public Road on his own land in Broad Creek Hundred, Sussex County.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

**Stansbury C. Matthews to straighten public road.** SECTION 1. That Stansbury C. Matthews is hereby authorized, directed and empowered to straighten that part of the public road running through his own land in Broad Creek Hundred, beginning at a point on the Millsboro road where the old private road leads to said "Matthews' house," thence straight to a point in said road near the corner of said "Matthews' house" field where the steam mill now stands, thence straight to a point in said road at or near the end of Wm. J. Wyatt's lane.

**At the expense of said Matthews.** SECTION 2. That the said Stansbury C. Matthews shall lay out, change and make at his own expense the said road, and put the same in good order for public travel, making the said road the width required by law; and after the said road is made, open and put in good order for public travel, as aforesaid, that then and from thenceforth the said road shall be deemed a public road and shall be repaired and kept up at public expense, as other roads in said county.

SECTION 3. That after the said road shall have been laid

## OF ROADS AND BRIDGES.

out, opened and made and put in good order for public travel, as aforesaid, it shall and may be lawful for the said Stansbury C. Matthews to stop up and enclose so much of the old road as is not used in making the change of said road. Old road enclosed.

*Passed at Dover, February 16, 1887.*

## CHAPTER 108.

## OF ROADS AND BRIDGES.

AN ACT to enable Robert Fisher to change a part of the Public Road leading from the Dover and Horsehead road to the Dover and Kenton road.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. Robert Fisher is hereby authorized and empowered to alter and change so much of the present site or bed of the public road leading from the Dover and Horsehead road to the Dover and Kenton road in East Dover Hundred as is now located on his land in such manner as that said site or road bed shall run on and along the line between said Fisher's land and lands of Robert C. Fiss as far as practicable, and on the east side of the ditch along said road; *Provided* that the whole of said road-bed so to be changed as aforesaid shall be located, laid out and made upon said Fisher's land, except so much thereof as said Robert C. Fiss may agree shall be placed on his land. Robert Fisher to change public road. Location.

SECTION 2. The entire cost and expense of making said change shall be borne by said Robert Fisher; and when said change shall have been made and fully completed, and the new part of said road put in good order and condition for travel at said Fisher's cost, the same shall be accepted as part of said road leading from the Dover and Horsehead road to the Dover and Kenton road, and the old portion for which the said new part is substituted shall become vacant and revert to the use of said Robert Fisher, his heirs and assigns, the same as though it never had been laid out as part of said road. At the expense of said Fisher. Old road enclosed.



## OF FOADS AND BRIDGES.

SECTION 3. This act shall be deemed a public act and printed as such.

*Passed at Dover, February 23, 1887.*

## CHAPTER 109.

## OF ROADS AND BRIDGES.

AN ACT to vacate part of a public road in Lewes and Rehoboth Hundreds, Sussex County.

Preamble.

WHEREAS, So much of the old public road lying and being in Sussex County, leading from Cool Spring Presbyterian Church to the point of intersection with the State road leading from Georgetown to Lewes has for various reasons become unnecessary for any public use; and,

WHEREAS, It appears by the petition of the parties whose lands are intersected by the said road and claiming the fee simple to the said road, subject to its use as a road, as aforesaid, that satisfactory arrangements have been entered into between the parties interested and the public for the vacation of the said road and its enclosure; therefore,

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Part of road vacated.

SECTION 1. That all that portion of the said old road lying between Cool Spring Presbyterian Church and the State Road be and the same is hereby vacated, and the same may be enclosed and held by the parties holding the fee simple therein.

SECTION 2. That this act shall be deemed and taken as a public act.

*Passed at Dover, February 23, 1887.*

## OF ROADS AND BRIDGES.

## CHAPTER 110.

## OF ROADS AND BRIDGES.

AN ACT to lay out a private road in Indian River Hundred, Sussex County.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. That Peter P. Dodd, D. J. Layton and Joshua S. Morris, three judicious and impartial freeholders, be and they are hereby appointed commissioners to go upon and view the premises and determine whether there is need of a private road in Indian River Hundred, in the county and State aforesaid, to commence at a point on the road leading from Georgetown to Springfield Cross Roads at the mouth of a lane, the divisional lines between the lands of Peter W. Rust and McIlroy Griffith; thence running down said lane and on the lands of the said Peter W. Rust and McIlroy Griffith in a southerly direction until it reaches the lands of John R. Tucker; thence running in a southeasterly direction through lands of said John R. Tucker until it reaches the land of James H. Legates and terminating thereat, and if the said commissioners, or a majority of them, shall determine that there is need of such private road as that above described, then they shall, with the assistance of some skillful surveyor to be by them selected, lay out such private road of the width of twenty feet, and cause a plot thereof to be made, representing the courses and distances thereof, and the lands through and by which the same shall pass, and they shall assess the damages of the owner or owners of said lands by reason of the laying out of said road, taking into consideration all the circumstances of benefit as well as injury which will accrue to the said owner or owners of lands, and they shall make a computation of the cost of opening and making said road and making the bridges thereon, setting down the several items of said cost, and if a road be laid out then the said commissioners in their return to be made to the Clerk of the Peace, in and for Sussex County, shall set forth a description of said road.

SECTION 2. *And be it further enacted.* That the plot and return so to be made as aforesaid by the said commissioners shall be returned to the Clerk of the Peace of Sussex County, and be by him transcribed upon the road book in his office.

Commissioners.

Location.

Damages.

Clerk of the Peace to lay return before the Levy Court.

## OF ROADS AND BRIDGES.

Cost of  
road.  
How paid.

Road to be  
opened.

Upon re-  
fusal or  
lect to open  
road, pro-  
ceedings  
may be had.

Commis-  
sioner and  
surveyor  
to make  
oath.

Vacancy.  
How filled.

Fees.

By whom  
paid.

To be for  
private use.

SECTION 3. *And be it further enacted,* That the cost of laying out said private road, including the cost of transcribing the return and plot of the same, and also the damages assessed, if any, shall be paid by Peter W. Rust, McIlroy Griffith and James H. Legates in equal proportions, respectively, and it shall be the duty of the said Peter W. Rust, McIlroy Griffith and James H. Legates, or their heirs and assigns, immediately upon the return of the plot to the said Clerk of the Peace as aforesaid, to open said road and to keep the same in good repair, and if either the said Peter W. Rust, McIlroy Griffith and James H. Legates, or their heirs or assigns, shall neglect or refuse to pay his or their proportion of said cost and damages, as aforesaid, or shall neglect or refuse to perform his or their proportion of the work and labor necessary to keep such road in repair, or to pay for the same, then and in such cases it shall be lawful for either or any of the remaining parties herein named to perform such work and labor, or to have such work and labor performed and to pay for the same; and he or they may recover the cost of such proportion of work and labor in a joint or several action of assumpsit for work and labor, or for money paid to defendant's use, before any Justice of the Peace in said County of Sussex, and he or they so suing shall recover the cost of such suit.

SECTION 4. *And be it further enacted,* That the said commissioners and surveyor, before performing their respective duties under this act, shall be sworn or affirmed to perform the same with skill and fidelity, which oath may be administered by either of the said commissioners, or by any public officer qualified to administer oaths. The acts of a majority of said commissioners shall be as valid as if concurred in by all of them. In case of a vacancy or vacancies, another or others may be appointed commissioner or commissioners by any Justice of the Peace of said county. The fee of the commissioners shall be one dollar per day for actual service, and that of the surveyor, for surveying plot and return, ten dollars, to be paid by the said Peter W. Rust, McIlroy Griffith and James H. Legates, as aforesaid. The fee of the Clerk of the Peace for transcribing plot and return shall be the same as is usually charged for such services to be paid by the parties above named in like manner and proportions as aforesaid.

SECTION 5. *And be it further enacted,* That the road so laid out shall be for the exclusive use, benefit and behoof of the said Peter W. Rust, McIlroy Griffith and James H.

## OF ROADS AND BRIDGES.

Legates, their heirs and assigns, so long as they shall continue, to own or hold the lands through which the said road shall pass or touch and which said road is intended to benefit; and any one who shall wilfully obstruct the free use of said road, by the said Peter W. Rust, McIlroy Griffith and James H. Legates, their heirs and assigns, so long and while they shall own and occupy the lands aforesaid, shall be liable for damages to the said Peter W. Rust, McIlroy Griffith and James H. Legates, or either of them, their heirs and assigns, to be recovered in an action of trespass on the case.

*Passed at Dover, February 24, 1887.*

## CHAPTER III.

## OF ROADS AND BRIDGES.

AN ACT to authorize the laying out of a New Public Road in West Dover Hundred, Kent County, Delaware.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. That Thomas H. Milbourn, Daniel V. Hutchins and Philip D. Marvel, three judicious and impartial freeholders of Kent County, be and they are hereby appointed Commissioners to go upon and view the premises and determine whether there is need of a new public road in West Dover Hundred to begin at a point in the public road leading from Marydel to Slaughter's Station, where said road is intersected by Hartnett's new road, and then running in a northwesterly direction with the dividing line of the lands of Francis Greenwell and Mahlon Trombone; thence across lands of the said Mahlon Trombone, and thence through the lands of Mrs. Sarah A. Scotten until it shall intersect the public road leading from Templeville to Wright's Cross Roads, if they, the said Commissioners, or a majority of them, shall determine that there is need of such new public road they shall, with the assistance of a skillful Surveyor, by them to be selected, proceed to lay out the same, and shall assess the damages of all the owners of lands through or

Commis-  
sioners.

Location.

Surveyor.

Damages.

## OR ROADS AND BRIDGES.

Plot and re-  
turn to be  
laid before  
the Levy  
Court.

along which the same shall pass, taking into consideration all the circumstances of benefit as well as injury, and shall make a computation of the costs of opening and making said new road, and shall return the same, accompanied by a plot of said new road, to the Clerk of the Peace in and for Kent County, to be by him laid before the Levy Court of Kent County at its next session, that the said Levy Court may make an appropriation for opening and making the same as a public road when the draft and return shall have been accepted by the said Levy Court; the said road hereinbefore authorized to be laid out shall be deemed and taken to be a public road, and the same shall be and remain subject to the same regulations as other public roads in the county.

Commis-  
sioners and  
surveyor to  
be sworn.

SECTION 2. That the Commissioners and Surveyor be severally sworn or affirmed before entering upon the duties hereby assigned to them to perform the same faithfully and impartially. The acts of a majority of the said Commissioners shall be as valid as if concurred in by all of them. In case of a vacancy or vacancies another or others may be appointed Commissioner or Commissioners by any Justice of the Peace of Kent County. The said Commissioners may qualify each other and the Surveyor for the performance of their respective duties under this act, and for such services they shall receive such compensation as the Levy Court may deem proper.

SECTION 3. *And be it further enacted* by the authority aforesaid that this act shall be deemed and taken to be a public act.

*Passed at Dover, February 25, 1887.*

## OF ROADS AND BRIDGES.

## CHAPTER 112.

## OF ROADS AND BRIDGES.

AN ACT to enable and authorize Samuel Hudson and James B. Deputy to straighten the Public Road through their land in Cedar Creek Hundred, Sussex County.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. That Samuel Hudson and James B. Deputy be, and they are hereby authorized, directed and empowered to straighten that part of the public road running through their own lands in Cedar Creek Hundred, in the County of Sussex, at their own proper cost and charge, and without expense to the county.

Samuel Hudson and James B. Deputy to change public road.

SECTION 2. That when the said road shall have been straightened, as authorized by Section 1, of this act, and when the same shall have been approved and accepted by the Levy Court of the said county, the part thereof vacated by such straightening may be enclosed and the way substituted therefor shall be thereafter maintained as a part of the public highway at the public expense.

Old road enclosed.

*Passed at Dover, March 1, 1887.*

## CHAPTER 113.

## OF ROADS AND BRIDGES.

AN ACT to authorize the laying out of a Public Road in Seaford Hundred, Sussex County.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. Edward Owens, Wilbert J. Ridgeway and Robert L. Brown, three judicious and impartial citizens of Sussex County be and they are hereby appointed Commissioners to go upon and view the premises and determine whether there is need of a new public road in Seaford Hundred, Sus-

Commissioners.

## OF ROADS AND BRIDGES.

sex County, to be of the same width as other public roads, beginning on the southerly side of the cross roads at Cannon's, (generally known as Cannon's Crossing,) Sussex County, Delaware, and running thence in a southerly direction east of and parallel with the Delaware Railroad through or upon lands of James W. Ward; thence through lands of John P. R. Polk, Esq.; thence through lands of James W. Ward; thence through lands of David M. Baker; thence through lands of James C. Prettyman, and thence through lands of Benjamin F. Grody to the northerly side of the county road crossing the Delaware Railroad at the southerly portion of the said Benjamin F. Grody's land and at the northerly side of James J. Ross's land; and if said Commissioners, or a majority of them, shall determine that there is need of a new public road as above mentioned, then they shall, with the assistance of a Surveyor, to be by them employed, proceed to lay out said road in the manner and form as aforesaid, as will be the most advantageous to the public and least injury to individuals of the lands through which the same shall pass, and assess the damages of every owner of said lands by reason of the laying out of said road, taking into consideration all the circumstances of benefit, as well as injury, which will accrue to each of said owners, and cause a plot of the same to be made, with a return to the Levy Court of Sussex County, setting forth a description of said road and their determination that there is need for the same. And when the draft and return of said road shall have been approved by the said Levy Court, the said\* shall then be deemed and taken to be a public road, and the laws applicable to public roads in Sussex County shall extend to and apply to said road.

SECTION 2. That the Commissioners, before entering upon their duties hereby assigned them, shall be sworn or affirmed to perform the same according to the best of their skill and judgment respectively, which oath or affirmation may be administered by either of said Commissioners. The acts of a majority of said Commissioners shall be as valid as if concurred in by all of them. In case of a vacancy or vacancies occurring, another or others may be appointed by any Justice of the Peace in Sussex County upon application in writing from any three freeholders in said Seaford Hundred.

SECTION 3. That the fee of the Commissioners and chain carriers and such other persons as may be employed in laying out said road shall be the same as now provided by law for

\*So enrolled.

## OF ROADS AND BRIDGES.

such services in cases of laying out public roads, and shall be paid in like manner.

*Passed at Dover, March 8, 1887.*

## CHAPTER 114.

## OF ROADS AND BRIDGES.

AN ACT to authorize the laying out of a new public road in North West Fork Hundred, in Sussex County.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. That Joshua C. Morris, Isaac K. Wright, J. T. Noble, three judicious and impartial citizens and freeholders of North West Fork Hundred, Sussex County and State aforesaid, be and they are hereby appointed to go upon and view the premises and determine whether there is a need of a new public road to begin at a point in a public road leading past the lands of C. P. Swain to Seaford, thence in an easterly direction through the lands of C. P. Swain, R. W. Cannon, George and Julia A. Fleetwood and Thomas B. Swain; thence in a northeasterly direction through the lands of John P. Moore to the county road leading to Bridgeville, Del., and if they or a majority of them shall determine that there is need of a new public road, they shall (with the assistance of a skillful surveyor by them employed) lay out the same and assess the damages, if any, and estimate the cost of making said road, and cause a plot to be made with a return to the Levy Court of said county that they may make appropriations for opening the same as a public road.

Commissioners.

Location.

Surveyor.

Damages.

Plot and return to be made to Levy Court.

SECTION 2. That the commissioners and surveyor, by them employed, be sworn or affirmed by each other before entering upon their duties, hereby assigned, to perform them faithfully and impartially.

Oath.

*Passed at Dover, March 8, 1887.*



## OF ROADS AND BRIDGES.

## CHAPTER 115.

## OF ROADS AND BRIDGES.

AN ACT to lay out a new public road in Nanticoke Hundred, Sussex County.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Com-  
missioners.

Location.

Damages.

Duties of  
the com-  
missioners.

Plot and  
return to be  
given to  
Clerk of  
the Peace.

SECTION 1. That Joel H. Messick, Amos J. Stayton and Branson D. James be and they are hereby appointed commissioners to go upon and view the premises and determine whether there is need of a public road in Nanticoke Hundred, Sussex County, beginning at or near the north end of Cannon & Brothers' mill dam on the land of Daniel E. Hudson, running in a northeasterly direction through lands of the said Daniel E. Hudson, Ezekiel H. Jones, Mrs. Sallie Jones and Mrs. Lucinda Jones to intersect with the public road leading from the Old Furnace to Middleford at or near the residence of Thomas A. Jones, and if they or a majority of them shall determine that there is need of such a road, they shall, with the assistance of some skillful surveyor to be by them selected, lay out such public road as they may deem proper, and shall cause a plot thereof, and of the lands by and through which the same shall pass, and they shall assess the damage of any owner of said lands and improvements by reason of laying out said road, taking into consideration all the circumstances of benefit as well as injury which will accrue to each of said owners. They shall make a computation of the cost of opening and making said road, the bridges and causeways thereon, setting down the several items of cost, and, if a road shall be laid out, shall in the return to be made to the Clerk of the Peace in and for Sussex County, set forth a description of said road, and its determination that there is need of the same for public convenience, and shall annex to said return the plot aforesaid.

SECTION 2. The plot and return so to be made, as aforesaid, by said commissioners, shall be returned to the Clerk of the Peace in and for Sussex County, to be by him laid before the Levy Court of said county, and the Levy Court may adopt said road or highway, and settle such damages as may have been assessed. And when said road shall have been adopted as a public road by said Levy Court, the same shall remain subject to the same regulations and laws as other public roads in said county.

## OF ROADS AND BRIDGES.

SECTION 3. That the said commissioners and surveyor, before performing their respective duties under this act, shall be sworn or affirmed to perform the same according to their best skill and judgment respectively. Such oath may be administered by either of said commissioners. The acts of a majority of said commissioners shall be as valid as if concurred in by all of them. In case of a vacancy or vacancies, another or others may be appointed commissioner or commissioners by any Justice of the Peace residing within said county. The fee of the commissioners and surveyor and chain carriers shall be the same as is generally paid in such cases.

Oath to be taken.

Fees.

*Passed at Dover, March 8, 1887.*

## CHAPTER 116.

## OF ROADS AND BRIDGES.

AN ACT to authorize the laying out of a New Road in Cedar Creek Hundred, Sussex County.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. That Beniah W. Truitt, E. D. Beebe and Edward Walton, three judicious and impartial citizens of Cedar Creek Hundred, Sussex County, and State of Delaware, be and are hereby appointed to go upon and view the premises and determine whether there is need of a new public road in said Hundred, County and State aforesaid, beginning at the public road leading from the town of Milford to Union Church, running eastwardly through the lands of George Clendaniel, David Isaacs, T. H. Dorman, James Stewart, thence to the lands of George Risler to a public road leading to the town of Lincoln, thence running northwesterly through the lands of T. H. Dorman, George H. Hall and B. F. B. Woodall, on the line of road already laid down through said land until it intersects with the road known as the "Shawnee" road.

Commissioners.

Location.

And if they, or a majority of them, shall determine that

## OF ROADS AND BRIDGES.

Plot and  
return to be  
made to the  
Levy Court.

there is need of a new road they shall lay out the same and assess the damages (if any) and cost of making said road, and cause a plot to be made with a return to the Levy Court of said county, that they may make an appropriation for opening the same as a public road.

Must be  
sworn or  
affirmed.

SECTION 2. That the Commissioners named in this act be sworn or affirmed by each other before entering upon their duties hereby assigned them to perform them faithfully and impartially.

Fees.

SECTION 3. That the pay of the Commissioners shall be two dollars each, and the Surveyor ten dollars for the survey and plot and return, and the Levy Court shall cause the same to be paid.

*Passed at Dover, March 9, 1887.*

## CHAPTER 117.

## OF ROADS AND BRIDGES.

AN ACT to lay out a new public road leading from Cedar to Muddy Neck, in Baltimore Hundred, Sussex County.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Commis-  
sioners.

Location.

SECTION 1. That James Hudson, William L. Williams and Ebe D. Quillin be and the same are hereby appointed commissioners to go upon and view the premises and determine whether there is need of a public road to begin at or near the house of Elisha Evans, situated on the main road in the village of Ocean View, in Baltimore Hundred, and County of Sussex, and running in an easterly direction to and intersecting the road running past and near the house of George H. West in a southerly direction to and across the main road leading to Ocean View beach, and continuing south  $20\frac{3}{4}$  degrees west intersecting the main road leading to Muddy Neck near the house of Jacob H. Hocker.

SECTION 2. Said road running over and across the lands

## OF ROADS AND BRIDGES.

of George H. West, Selby H. Evans, John W. James and William S. H. Williams, and if they, the commissioners, or a majority of them, shall determine that the public convenience requires the laying out and making a new public road on the route designated they shall, with the assistance of a skillful surveyor, after being duly sworn or affirmed, lay out such a new road as they deem proper, and shall cause a plot thereof to be made representing the courses and distances thereof, and shall assess the damages of every owner of land through which said road shall pass, taking into consideration all the circumstances of benefit as well as injury, and they shall make a computation of the costs of opening and making said road.

SECTION 3. That the plot and return so to be made as aforesaid by the said Commissioners, or a majority of them, shall be returned to the Clerk of the Peace, in and for Sussex County, to be by him laid before the Levy Court of said county that they may make appropriation for the opening and making of the same as a public road.

SECTION 4. That the commissioners are hereby authorized to administer oaths to each other and to the surveyor by them employed.

*Passed at Dover, March 15, 1887.*

## CHAPTER 118.

## OF ROADS AND BRIDGES.

AN ACT relating to roads and bridges in St. George's Hundred.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. That hereafter the Road Commissioners of St. George's Hundred shall not be allowed to levy and collect a greater amount than five thousand and five hundred dollars in any one year for any or all purposes, including allowance for errors and commissions.

## OF ROADS AND BRIDGES.

**Collectors shall deposit all monies collected.** SECTION 2. That hereafter the Collector of Road Taxes in said Hundred shall deposit all the moneys collected by him as such collector, and which have been levied as aforesaid in some bank in the hundred to be designated by the said Road Commissioners to the credit of the said hundred, subject to the orders of the said commissioners by check drawn upon said fund to be signed by at least two of said commissioners. In drawing checks for labor or materials furnished by any person said commissioners shall deduct from the amount due for such labor or materials the road tax due from such person. That it shall be prohibited and punishable with a fine of twenty-five dollars for every offense, one-half thereof to go to the informer and the other to the fund for road purposes, in said hundred, for any commissioner knowingly to draw an order for payment of any debt of the hundred unless funds are already provided in said bank for its payment.

**Money deposited subject to commissioners order.**

**Duty of commissioners in drawing checks.**

**Unlawful to draw orders unless funds are provided for same.**

**Commissioners prohibited from borrowing longer than their term.** That the said commissioners shall have no authority to borrow any sum of money or to pledge in any manner the hundred to any indebtedness lasting beyond their term, excepting they may make arrangements with the said designated bank of deposit to cash orders in anticipation of each year's taxes.

**Authority to be exercised over the whole hundred.** SECTION 3. That the said Road Commissioners shall not divide the said hundred into districts but they shall exercise their authority over the entire hundred as a body. They shall keep but one order book for checks and stubs, which shall be in custody of the clerk, and from which all drafts shall be drawn. No claims upon the hundred for labor or materials shall be assigned until orders for the same shall have been drawn, and orders once drawn shall not be consolidated or renewed, nor in any case shall the name of the party performing the service be changed, but shall be preserved to designate the actual service rendered.

**Claims not assignable until when.**

**Two weeks notice for the purchase of materials.** For the purchase of lumber or material two weeks' notice by public advertisements shall be given, and the lowest and best bidder shall be accepted.

**May give a bond for the present indebtedness.**

**Bonds shall be countersigned.**

**Certain funds applicable to existing debts.**

SECTION 4. That for the present debt of the hundred the commissioners shall have full authority to give a bond or bonds, bearing not exceeding six per cent interest, binding themselves and their successors, said bonds shall also be countersigned by the auditing committee appointed by a meeting of tax-payers of the hundred, held at Middletown, February 4th, 1887.

All funds received by the collectors of said hundred on account of taxes due prior to the taxes of the year 1887 shall be

## OF ROADS AND BRIDGES.

deposited in the said designated bank to the credit of said commissioners and to be applied solely to the payment of the existing debt of the hundred. All road orders at the passage of this act, either in the hands of the collector or of the public, shall be presented to the said auditing committee for approval and registry. Interest on said orders shall cease from and after the passage of this act after ten day's public notice to the holders by advertisement in the hundred newspapers.

Road orders must be presented to auditing committee.

SECTION 5. That the collectors of said hundred shall pay one-half of the road taxes into the said designated bank on or before the first day of August, one-fourth thereof on or before the first day of October, and the residue on or before the first day of January next ensuing after receiving his warrant for the collection of taxes. All road tax collected before the first day of August shall be rebated at the rate of six per cent; all other said taxes collected before the first of October shall be rebated at the rate of three per cent, and the authority of the collector to compel payment shall in no wise be altered by this act.

Time of the payment of taxes by the collector.

For the observance of all and every requirement of this act the commissioners and collector shall be bond. It shall be a misdemeanor to neglect or refuse so to do, and on conviction thereof punishable with a fine not exceeding one hundred dollars.

Neglect to give bond misdemeanor.

SECTION 6. That hereafter the term of said commissioners shall expire on the first day of March next ensuing after the election of their successors, and the annual report as prescribed by statute shall be made by the retiring commissioners.

Terms expires. When.

SECTION 7. That all acts or parts of acts inconsistent with this act are hereby repealed *pro tanto*.

Acts repealed.

*Passed at Dover, March 21, 1887.*

## OF ROADS AND BRIDGES.

## CHAPTER 119.

## OF ROADS AND BRIDGES.

AN ACT to lay out a New Public Road in West Dover Hundred, Kent County, Delaware.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

**Commissioners.** SECTION 1. That James Williams, Elisha Wright and Owen H. Nickerson, three judicial\* and impartial freeholders of Kent County, be and they are hereby appointed Commissioners to go upon and view the premises and determine whether there is need of a new public road in West Dover Hundred, to begin at a point in the public road leading from Templeville to the public road leading from Wright's Cross Roads to Millington, where the said road is intersected by the State line dividing the States of Delaware and Maryland, and running thence a northerly direction between the lands of Ellen Cahall and Emily Hay on the east side and — Agnew and Jacob Strahan on the west side until it shall intersect the public road leading from Wright's Cross Roads to Millington, and if they, or a majority of them, shall determine that there is need of such new public road, they shall, with the assistance of a skillful surveyor, by them to be selected, proceed to lay out the same, and shall assess the damages of all the owners of lands through or along which the same shall pass, taking into consideration all the circumstances of benefit as well as injury, and shall make a computation of the costs of opening and making said new road, and shall return the same accompanied by a plot of said new road to the Clerk of the Peace in and for Kent County, to be by him laid before the Levy Court of Kent County at its next session, that the said Levy Court may make an appropriation for opening and making the same as a public road; when the draft and return shall have been accepted by the said Levy Court the said road hereinbefore authorized to be laid out shall be deemed and taken to be a public road, and the laws applicable to public roads in Kent County are hereby extended to and shall apply to said road.

**Location.**

**Damages.**

**Plot and return to be made to Clerk of the Peace.**

**Must take oath.** SECTION 2. That the commissioners and surveyor be severally sworn or affirmed before entering upon the duties hereby assigned to them to perform the same faithfully and impartially.

\*So enrolled.

## OF ROADS AND BRIDGES.

SECTION 3. That the pay of commissioners, surveyor <sup>Fee.</sup> and chain carriers shall be such as the Levy Court may deem proper.

SECTION 4. That the acts of a majority of the said Commissioners shall be as valid as if concurred in by all. In case of <sup>Vacancy.</sup> a vacancy or vacancies another or others may be appointed Commissioner or Commissioners by any Justice of the Peace of Kent County.

*Passed at Dover, March 22, 1887.*

## CHAPTER 120.

## OF ROADS AND BRIDGES.

AN ACT to change the course of a Public Road in Broad Creek Hundred, Sussex County.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. That James Morgan, Geo. W. Morgan, Geo. W. Moore, Benj. R. Phillips, Wm. H. Phillips and N. J. Phillips be and they are hereby authorized to change and straighten a public road now running across the lands of James Morgan, George W. Moore and N. J. Phillips, so that the road shall run on line between James Morgan and George W. Morgan, George W. Moore and Benj. R. Phillips, George W. Moore and Wm. H. Phillips, Wm. H. Phillips and Nathaniel J. Phillips to the public road leading from Laurel to Woodland. <sup>Authorized to straighten a public road. Location.</sup>

SECTION 2. That when the said James Morgan, George W. Morgan and George W. Moore, Benj. R. Phillips William H. Phillips and Nathaniel J. Phillips shall at their own expense have made such change and opened the road hereby authorized to the width of thirty feet and put the same in such order for travel as the Levy Court of Sussex County may deem sufficient, it shall be taken and maintained as other public roads in Sussex County, and it shall be lawful for them to vacate the road superseded by the road authorized by this act, and the parties owning the land on which the road hereby vacated runs to enclose the same. <sup>Old road vacated.</sup>

*Passed at Dover, March 23, 1887.*



## OF ROADS AND BRIDGES.

## CHAPTER 121.

## OF ROADS AND BRIDGES.

AN ACT to encourage the improvement of the Public Roads and to provide for the maintenance thereof in New Castle County.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Persons improving public road may employ agent. When.

Costs and expenses. How paid.

Provided.

Amount overpaid to be credited.

Who may avail themselves of the act's provisions.

SECTION 1. That wherever any person, or persons, at their own expense, have heretofore improved or may hereafter improve any public road in New Castle County, by grading and covering the same with paving stone or broken stone, or both, for a continuous length of not less than one-half of a mile and for a width of not less than twenty feet, and the said road borders upon or passes through the property of said person or persons, it shall be lawful for them to appoint an agent for the purpose of maintaining and keeping said road in good condition, and the said agent shall have the exclusive charge and superintendence thereof. The costs and expenses incurred in the maintenance of said road as aforesaid shall be paid by the Road Commissioners of the hundred wherein said road is located, by warrants drawn on them by said agent, accompanied with the receipts and vouchers for the work done or materials furnished. *Provided, however,* and in no case shall the Road Commissioners pay to said agent a larger or greater sum in any one year than the amount of the road taxes which may have been assessed and paid upon said properties adjoining said road for the year in which said repairs were made and done, and if in any year said taxes are not sufficient for the purposes aforesaid, the receipts and vouchers for the extra work done, or extra materials furnished, shall be received by the said Road Commissioners and credited pro rata to the owners of the adjoining property aforesaid on account of the road taxes of the next or any succeeding year as the same shall become due and payable.

SECTION 2. That in order to avail themselves of the provisions of this act the person, or persons, who may have heretofore improved or may hereafter improve any existing public road in New Castle County shall have first constructed it so that the stone covering of said road, when finished, would sustain the heaviest wheeled vehicles without crushing or displacing said covering to its foundation at any season of the year, and to which end it must be underdrained where the conditions of surface and soil require it, and it must have a surface covering

## OF ROADS AND BRIDGES.

not less than three inches thick of stone that will pass through a sieve having no meshes over two inches square, and this again covered with not less than two inches thick of stone that will pass through a sieve having no mesh over one and one-quarter inches square.

SECTION 3. That a full compliance with this act shall ex-  
 onorate and discharge the said Road Commissioners from any  
 further care, superintendence or overseership of said road;  
 but if this act is not fully complied with then the said road  
 shall revert back to the care of the Road Commissioners.

When road  
 commis-  
 sioners are  
 exonerated  
 from super-  
 vision.

*Passed at Dover, March 28, 1887.*

## CHAPTER 122.

## OF ROADS AND BRIDGES

AN ACT to lay out a new road in Northwest Fork Hundred, Sussex County, and to vacate part of an old road.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. That Isaac N. Whitney, Charles C. Brown  
 and Isaac P. Willey, three judicious and impartial citizens  
 be and they are hereby appointed to go upon and view the  
 premises and determine whether there is need of a change in  
 the course of a road in North West Fork Hundred, Sussex  
 County, and State of Delaware; said change, if deemed  
 necessary and proper to be made, as follows, to wit: To  
 begin on lands of William J. Coats, at a point in the road  
 from Trinity Church to Scott's store 28 perches southwest of  
 the point, where the public road leading from Bridgeville  
 intersects, the road leading from Trinity Church to Scott's  
 store on the lands of William J. Coats and running south  
 66° east 99 perches across lands of William J. Coats and  
 lands of J. W. Hegman to the public road leading to the  
 town of Bridgeville. If the said Commissioners, or a major-  
 ity of them, shall determine that there is need of such change  
 as that above described, then they shall lay out such new

Commis-  
 sioners.

Location.

## OF ROADS AND BRIDGES.

Damages. public road and assess the damages of the owners of said lands by reason of the laying out of said road.

Shall be sworn.

SECTION 2. That before entering upon the duties assigned them the said Commissioners shall be sworn or affirmed by each other to perform their duties as Road Commissioners faithfully and impartially.

To be laid out at private expense.

SECTION 3. That in case the said Commissioners named in the first section of this act, or a majority of them, shall determine that it is necessary to lay out a new road or change the course of the road as aforesaid, then it shall and may be lawful for William J. Coats to lay out at his own expense the said road, he paying all the expenses of laying out, opening and making the same, and whenever the said new road is so opened and put in good order for public travel, then and from thenceforth the said road shall be deemed a public road and shall be repaired and kept up at public expense, as other roads in said county.

Part of old road to be vacated.

SECTION 4. That after the said road shall have been laid out, opened and made and put in good order for public travel and all damages and expenses therefor paid to William J. Coats, so as to relieve the county from any expense whatever, it shall and may be lawful for the said William J. Coats to stop up and inclose so much of the old road leading to Bridgeville as is not necessary for public travel, but not until after the Levy Court of Sussex County has accepted the new road authorized by this act.

*Passed at Dover, March 30, 1887.*

## OF ROADS AND BRIDGES.

## CHAPTER 123.

## OF ROADS AND BRIDGES.

AN ACT to authorize John P. Jefferson to extend and straighten the public road leading from Malcom's Mill to Bethel Church to the public road leading from said Bethel Church to the Seven Hickories.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. That John P. Jefferson be and he is hereby authorized to straighten and extend the public road leading from Malcom's Mill to Bethel Church to the public road leading from said Bethel Church to the Seven Hickories. Beginning at the point where the public road now leading from said Malcom's Mill to said Bethel Church now divides his lands and extends the said public road in a straight line until it intersects with the public road leading from Bethel Church to the Seven Hickories, the same to be straightened and extended at the expense of the said John P. Jefferson.

John P. Jefferson authorized to straighten public road. Location. At the expense of said Jefferson.

SECTION 2. That when the said road leading from Malcom's Mill to Bethel Church shall be straightened and extended, as prescribed in the first section of this act, and made of the width of the said road now leading from said Malcom's Mill to said Bethel Church the said John P. Jefferson be and he is hereby authorized and empowered to enclose and appropriate to his own use that part of the said public road leading from the said Malcom's Mill to said Bethel Church, which now divides his said land.

Old road enclosed.

SECTION 3. This act shall be deemed and taken to be a public act.

*Passed at Dover, March 30, 1887.*

## OF ROADS AND BRIDGES.

## CHAPTER 124.

## OF ROADS AND BRIDGES.

## AN ACT to lay out a New Road in Baltimore Hundred.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Commis-  
sioners.

Location.

Surveyor.

Damages.

Plot and re-  
turn to be  
given to  
Clerk of the  
Peace.

When a  
public road.

Shall be  
sworn or  
affirmed.

SECTION 1. That Joshua J. Derrickson, Wm. T. Brazier and James H. Torbert, three judicious and impartial free-holders of Sussex County, be and they are hereby appointed Commissioners to go upon and view the premises and determine whether there is need of a new public road in Baltimore Hundred, to begin at Thomas R. Steel's landing on White's Creek and thence to the said Thomas R. Steel's woods gate, from said gate across the lands of Stephen H. Barks, Burton G. Mitchell, Henry Banks, David Aydelotte, Robert Quillen, Joshua C. Burton, John J. Betts, John R. Daisey, Ezekiel H. Banks, Charles H. Dickerson and Peter Townsend to the lines of Thomas E. Dukes and George H. Townsend to the school-house lot in Millville, and across said school-house lot to the public road leading from Ocean View to Frankford, and if they, or a majority of them, shall determine that there is need of such a new road they shall, with the assistance of skillful surveyor, by them to be selected, proceed to lay out the same, and shall assess the damages of all the owners of lands through or along which the same shall pass, taking into consideration all the circumstances of benefit as well as injury, and shall make a computation of the costs of opening and making said new road, and shall return the same, accompanied by a plot of said new road to the Clerk of the Peace in and for Sussex County, to be by him laid before the Levy Court of Sussex County at its next session, that the said Levy Court may make an appropriation for opening and making the same as a public road. When the draft and return shall have been accepted by the said Levy Court the said road hereinbefore authorized to be laid out shall be deemed and taken to be a public road, and the laws applicable to public roads in Sussex County are hereby extended to and shall apply to said road.

SECTION 2. That the commissioners and surveyor be severally sworn or affirmed before entering upon the duties hereby assigned to them to perform the same faithfully and impartially.

## OF ROADS AND BRIDGES.

SECTION 3. That the pay of the commissioners, surveyor <sup>Fee.</sup> and chain carriers shall be such as the Levy Court may deem proper.

SECTION 4. That the acts of a majority of the said Commissioners shall be as valid as if concurred in by all. In case of a vacancy or vacancies, another or others may be <sup>Vacancy.</sup> appointed commissioner or commissioners by any Justice of the Peace of Sussex County.

SECTION 5. That the said Joshua J. Derrickson, William T. Brazier and James H. Torbert be and they are hereby empowered and directed under this act to go upon and view the road which now passes through the lands of Capt. John R. Daisey, John J. Betts and Henry Aydelott following the old road through lands of George Derrickson to the road leading from Millville to Ocean View, and if they, or a majority of them shall determine there is need of such a public road they shall have it surveyed, plotted and proceed as prescribed in the previous sections of this bill in regard to the road described in section one of this act, and all of the provisions of this act which applies to the said road leading from White's Creek to Millville shall apply to this road. The Levy Court of Sussex County may accept and provide for this road as other public roads in said Sussex County.

Commissioners authorized to run roads through certain lands.

Proceedings prescribed in Section 1 applicable.

*Passed at Dover, April 5, 1887.*

## OF ROADS AND BRIDGES.

## CHAPTER 125.

## OF ROADS AND BRIDGES.

AN ACT to enable and authorize Levin W. Collins, Edward W. Houston, Joseph B. Hearn and Isaac Jester to straighten and make a public road through their lands in Dagsboro and Gumboro Hundreds, in Sussex County.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Levin W. Collins, and others, authorized to straighten and make a public road.  
Location.

SECTION 1. That Levin W. Collins, Edward W. Houston, Joseph B. Hearn and Isaac Jester be and they are hereby authorized, directed and empowered to straighten and make a public road running through their lands in Dagsboro and Gumboro Hundreds, in Sussex County, at their own expense, beginning at a turn in said public road at or near a bridge and running with the dividing line of lands between John L. Mumford and Levin W. Collins, on lands of said Levin W. Collins to lands of Edward W. Houston and Joseph B. Hearn, continuing the same course as the line of said John L. Mumford on said public road, through lands of Edward W. Houston and Joseph B. Hearn to the Southwest Bridge road, thence continuing said course through lands of Isaac Jester to a public road leading from Newfoundland to Selbyville.

Part of old road vacated to be enclosed.

SECTION 2. That when the said road shall have been straightened and made as authorized by Section 1 of this act, and when the same shall have been approved and accepted by the Levy Court Commissioners of Dagsboro and Gumboro Hundreds, in Sussex County, the part thereof vacated by such straightening to the Southwest Bridge road may be enclosed by the respective owners through which the vacated road passes and the road substituted therefor shall thereafter be maintained as a part of the public highway at the public expense.

Public act.

SECTION 3. This act shall be deemed and taken to be a public act.

*Passed at Dover, April 8, 1887.*

## OF ROADS AND BRIDGES.

## CHAPTER 126.

## OF ROADS AND BRIDGES.

AN ACT to authorize a new public road in Broadkiln Hundred, Sussex County.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. That Meyers R. Fisher, Joseph Holland and David H. Houston be and they are hereby appointed commissioners with full power and authority to locate, lay out and construct a new public road in Broadkiln Hundred, Sussex County, Delaware, from that part of the public road which leads from Milton to the Red Mill, where it turns at right angles around the farm and fence now owned by Mr. Rufus W. Mitchell, and the northeast corner thereof in near about a due east course and in a straight line with the said public road extending west from said northeast corner, and from thence in the easterly course aforesaid through the lands of Mrs. Emma Wright for a distance about two hundred yards to the public road leading from Red Mill to the drawbridge; and the width of said new road shall be thirty feet, and when the same is completed and approved by the Levy Court of the county, it shall be deemed and taken to be to all intents and purposes a public road in said county.

Commissioners.

Location.

SECTION 2. *And be it further enacted as aforesaid.* That so much of said public road from Milton to the Red Mill as shall be superseded by the said new public road, may be vacated and enclosed by the owners in fee of the lands over which such portion it be.

Part of road superseded and may be enclosed.

SECTION 3. That the Levy Court of Sussex County shall not have the power to accept and approve of the new road authorized to be located by this act until the party through whose lands the same runs shall be paid for the land on which said road may be located, and all improvements thereon, together with all expense and charges of laying out and preparing said road.

Not to be accepted until owners of land are paid for the same.

SECTION 4. The value of the land through which this road passes, together with the improvements thereon, shall be assessed and appraised by the commissioners appointed by Section 1 of this act. *Provided, however,* that in case the party through whose lands the said proposed road may run shall not be satisfied with the damages or value of the lands

Value and improvements to be assessed.  
Proviso.



## OF ROADS AND BRIDGES.

When Levy Court may appoint freeholders to appraise and assess value.

and improvements as aforesaid then the Levy Court of Sussex County shall appoint three other judicious and impartial freeholders to assess and appraise the value and damages of said lands and improvements which shall be final.

*Passed at Dover, April 11, 1887.*

## CHAPTER 127.

## OF ROADS AND BRIDGES.

AN ACT to authorize William S. Moore to straighten a Public Road on his own land in Sussex County.

*Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met:*

William S. Moore permitted to straighten public road.

SECTION 1. That William S. Moore is permitted to straighten that part of the public road leading from Laurel to Seaford and opposite said Moore's dwelling house and on his land in Broad Creek Hundred in Sussex County.

Part of old road vacated to be enclosed.

SECTION 2. *Be it further enacted,* That when the said William S. Moore has straightened said road on his land aforesaid and put said new road in good traveling condition for public travel at his own cost and expense, then the said Moore may use and occupy so much of the old road as will be vacated by the straightening of said road, the same to be approved by the resident Levy Court Commissioner of said hundred.

*Passed at Dover, April 11, 1887.*

## OF ROADS AND BRIDGES.

## CHAPTER 128.

## OF ROADS AND BRIDGES.

AN ACT to authorize the laying out of a new Public Road in South Murderkill Hundred, Kent County, State of Delaware.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. That John H. Schabinger, John Heyd and Andrew Holden, three judicious and impartial citizens of South Murderkill Hundred, Kent County, State of Delaware, be and they are hereby appointed commissioners to go upon and view the premises and determine whether there is a need of a new public road in South Murderkill Hundred, county and State aforesaid to commence at a public road leading from Hollandsville to Mount Moriah on the lands now or late of William E. Cotter, between where William Scott now lives and Llewellyn Dill's farm, thence to a line between said William E. Cotter's and Llewellyn Dill's land along said line and continuing in the same direction until it intersects the public road leading from Hollandsville to Felton north of Manship's Church on the land of John Hughes, and if they or a majority of them shall determine that there is need of such a new public road, they shall, with the assistance of a skillful surveyor to be by them employed, lay out and locate said road at the width prescribed by law for public roads and shall have a map of the same prepared showing the courses and distances thereof, shall assess the damages and estimate the benefits, if any, to the property through which the said road shall pass, and make a computation of the cost of opening and making said road they shall also make a return of their proceedings with the map annexed to the Clerk of the Peace, in and for Kent County, who shall lay the same before the Levy Court of said county at its next session thereafter and the said Levy Court may, if it deem necessary or advisable, lay out and establish said road in the mode and form required by law, and said road when so laid out and established shall be deemed and taken to be a public road, subject to the same regulations as other public roads or highways in Kent County.

SECTION 2. That the said commissioners and surveyor shall, before entering upon their duties, be sworn or affirmed to perform the same impartially according to their best skill

## OF ROADS AND BRIDGES.

**Vacancy.** and judgment. Any vacancy or vacancies among the commissioners may be filled by appointment by any Justice of the Peace in Kent County. The commissioners shall each receive as compensation the sum of one dollar for each day of actual service, and the fees of the surveyor, or other persons employed by them, shall be such as the Levy Court of Kent County may determine, all of which compensation and fees shall be paid by the said Levy Court. The acts of a majority of said commissioners shall be as valid as if concurred in by all of them.

**Fees.**

*Passed at Dover, April 13, 1887.*

## CHAPTER 129.

## OF ROADS AND BRIDGES.

AN ACT authorizing John L. Bilderback to change the course of a Public Road in Kenton Hundred, Kent County.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

John L. Bilderback authorized to straighten a public road.  
Location.

SECTION 1. That John L. Bilderback be and he is hereby authorized to change the course of a certain public road in Kenton Hundred, in Kent County, as follows, to wit: Commencing at a point in the public road leading from John L. Bilderback's white house to Central Mills, about two hundred yards from said white house a southeasterly direction, and running thence in a westerly direction through or across lands of the said John L. Bilderback until it intersects the public road leading from Kenton to Smyrna at a point therein at or near the gate of H. S. Anthony.

Public road.

SECTION 2. That the said John L. Bilderback shall lay out, change and make, at his own expense, the said road, and put the same in good order for public travel, making the said road the width required by law; and after said road is made, open and put in good order for public travel as aforesaid, that then and from thenceforth the said road shall be deemed a public road and shall be repaired and kept up at public expense, as other roads in said county.

## OF ROADS AND BRIDGES.

SECTION 3. That after said road shall have been laid out, opened and made and put in good order for public travel as aforesaid, it shall and may be lawful for the said John L. Bilderback to stop up and enclose so much of the old road as is not used in making the change and is supplied by the road contemplated by this act. Part of old road vacated may be enclosed.

SECTION 4. This shall be deemed and taken to be a public act.

*Passed at Dover, April 13, 1887.*

## CHAPTER 130.

## OF ROADS AND BRIDGES.

AN ACT to lay out a public road in Gumboro Hundred.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. That George W. James, Thomas H. Ellis Commissioners. and William Ward be and they are hereby appointed commissioners to go upon and view the premises and determine if there be any need of a public road in Gumboro Hundred, Sussex County, Delaware, said road to commence at the public road leading from the Pepper Box school-house to Tucker Hill, and running from thence in an easterly direction on an old road bed and on land of the heirs of William E. Cannon, deceased, to what is known as Thompson's Branch Ditch; then along the south side of said ditch on land of James R. Lecates until it reaches a narrow strip of said Lecates' land on the north side of said ditch, then across said ditch and along or on said strip of land to John Gordy's land, then across said Gordy's land and beside the division line thereof until it reaches a fence a division line of said Gordy and Manacn Palmer, then across said Palmer's land by the side of said fence to the public road leading from Little Hill Church to Gumboro. If the commissioners, or a majority of them, shall determine that there is need for the same they may, with the assistance of a skillful surveyor, lay out such Location. Surveyor.

## OR ROADS AND BRIDGES.

Plot and return to be given to Clerk of the Peace.

new road, and may order a plot, and shall make a computation of the costs of opening the same and making the bridges and causeways thereon, setting down the several\* stems. And if a road be laid out shall in their return set forth a description of said road and their determination that there is need of the same for public convenience, and shall annex to their return the plot of said road.

SECTION 2. The plot and return so made shall be returned to the Clerk of the Peace in and for Sussex County, to be by him laid before the Levy Court, which road the said court may adopt; *Provided* all cost and expenses for opening said road are paid by the petitioners and settled; *Provided* that any damage or allowance made for any lands that may be taken or required in laying out and opening said road be approved by the Levy Court.

Must be sworn or affirmed.

SECTION 3. The said commissioners and surveyor, before performing their duties under this said act, shall be sworn or affirmed to perform the same with fidelity, which oath or affirmation the commissioners are hereby authorized to administer. The acts of a majority of the commissioners shall be valid. The pay of the commissioners shall be the same as are allowed in similar cases under an order of Court.

Fee.

*Passed at Dover, April 14, 1887.*

## CHAPTER 131.

## OF ROADS AND BRIDGES.

AN ACT to lay out a Public Road in Mispillion Hundred, Kent County, Del.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Commissioners.

SECTION 1. That James Y. Jarrell, William Minner, Eben Hughes, be and they are hereby appointed commissioners to go upon and view the premises and determine whether there is need of a public road to begin at a public road leading from Harrington to Felton, at a point or line between lands of

Location.

\*So enrolled.

## OF ROADS AND BRIDGES.

Jonathan Minner and Samuel S. Herrington, thence west with the said line to the lands of J. W. Warren and Albert Sapp, and to the woodland of Samuel S. Herrington, and from thence straight with the latter part of the line across the woodland of Samuel S. Herrington to the public road leading from Masten's Corner to Harrington, and if they or a majority of them shall determine that there is need of such a road they shall, with the assistance of a skillful surveyor, to be by them chosen, lay out such new public road as they may deem proper, having respect for the nature of the grounds, the shortness of distance and all circumstances of public convenience, and shall cause a plot thereof to be made representing the courses and distances thereof, with notes of the most remarkable places of the woodland, cleared land and improvements by and through which the same shall pass; and shall assess the damages of every owner of said land and improvements by reason of laying out of said road, taking into consideration all the circumstances of benefit as well as injury, which shall accrue to said owners; and they shall make a computation of the costs of opening and making said road and making the bridges and causeways thereon, setting down the several items of said costs, and if a road shall be laid out they shall in their return to be made to the Clerk of the Peace in and for Kent County, set forth a description of said road and their determination that there is need of the same for public convenience, and shall annex to their said return a plot as aforesaid.

Plot and  
return to be  
made.

Damages.

SECTION 2. The plot and return to be made as aforesaid by the said commissioners, or a majority of them, shall be returned to the Clerk of the Peace, in and for Kent County, to be by him laid before the Levy Court of said Kent County; and the said Levy Court may adopt said road as a public road or highway and settle such damages as may have been assessed, and when said road shall have been adopted as a public road by the said Levy Court the same shall be and remain subject to the same regulations and laws as other public roads in said county.

Plot and  
return to be  
given to  
Clerk of the  
Peace.

SECTION 3. The said commissioners and surveyor, before performing their respective duties under this act, shall be sworn or affirmed to perform the same according to the best of their judgment and skill, respectively, which oath may be administered by either of the said commissioners. The acts of a majority of said commissioners shall be as valid as if concurred in by all of them. In case of a vacancy

Shall be  
sworn or  
affirmed.

Vacancy.

## OF ROADS AND BRIDGES.

**Fee.** vacancies, another or others may be appointed by any Justice of the Peace residing within said county. The fee of the commissioners, surveyor and chain carriers shall be the same as now provided by law for such services in cases of laying out public roads, and be paid in like manner.

*Passed at Dover, April 15, 1887.*

## CHAPTER 132.

## OF ROADS AND BRIDGES.

AN ACT to lay out a Public Road in South Murderkill Hundred, Kent County.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

**Commissioners.**

SECTION 1. That Eben Hughes, Peter R. Meredith and R. J. Reynolds, three judicious and impartial citizens and freeholders of Kent County be, and they are hereby appointed commissioners to go upon and view the lands and determine whether there is need of a public road in South Murderkill Hundred, Kent County, beginning at a point in the public road now leading from Hollandsville to Whiteleysburg, near the school house in School District No. 87, in Kent County, and running thence in a northern direction on lands of Benjamin L. Hurd, lands of John W. Warren, lands of Alexander W. Hughes, lands of James E. Sapp, lands of Hensen Melvin, and lands of James A. Melvin to the public road leading from Cohee's Shops to Hollandsville, opposite the farm of Matthew Kemp, and if they or a majority of them shall determine that there is need for such new public road they shall, with the assistance of a surveyor, by them to be selected, lay out such new public road as they shall deem proper, and shall cause a plot thereof to be made representing the courses and distances thereof, with notes of the woodlands, cleared lands and improvements by or through which the same shall pass; and they shall assess the damages of every owner of land through which the same shall pass, taking into consideration all the circumstances of benefit as well as injury which

**Location.**

**Surveyor.**

**Damages.**

## OF ROADS AND BRIDGES.

shall accrue to each of the owners thereof, and they shall make a computation of the costs of opening and making said new road, and the bridges and causeways included, setting down the several items of said costs, and if a road be laid out they, or a majority of them shall, in their \*turn, set forth a general description of said road and their determination that there is need of the same for public convenience, and shall annex to their return the aforementioned plot.

SECTION 2. *And be it further enacted.* That the plot and return so to be made by the commissioners, or a majority of them, as soon as conveniently after completion may be done, shall be returned to the Clerk of the Peace in and for Kent County, to be by him laid before the Levy Court of Kent County, that the said Levy Court may approve and establish said road by paying such costs and damages as may have been assessed by said proceedings, and also make such appropriations for opening and making the same as a public road as they may deem best, and when the said road shall have been so returned and established by the Levy Court of Kent County, the same shall be and remain subject to the same regulations as other public roads and highways in the aforesaid county.

Plot and return to be given to Clerk of the Peace.

SECTION 3. *And be it further enacted,* That the said commissioners and surveyor elected by them before entering upon the duties required by them under this act shall be severally sworn or affirmed faithfully and impartially to perform the several duties required of them under this act according to the best of their skill and judgment respectively. Said oath may be administered to two of said commissioners by the other commissioner, and the same may be administered to the commissioner so administering to the said two commissioners by either one of the other commissioners, and one of the said commissioners may administer said oath to the surveyor or any or all of the said commissioners, and the surveyor may be sworn or affirmed by any person residing in this State duly authorized by law to administer oaths. In case of a vacancy or vacancies, either in case of death, refusal to act or inability, another or others may be appointed commissioner or commissioners by any Justice of the Peace of Kent County. The acts of a majority of said commissioners shall, after they have been qualified, be as valid in law as if concurred in by all of them, and their fees, and the pay of the surveyor, shall be fixed by the Levy Court.

Must be sworn or affirmed.

Vacancy.

Fees.

\*So enrolled.



## OF ROADS AND BRIDGES.

SECTION 4. *And be it further enacted* by the authority aforesaid that this act shall be deemed and taken as a public act.

*Passed at Dover, April 15, 1887.*

## CHAPTER 133.

## OF ROADS AND BRIDGES.

AN ACT to authorize the Levy Court, of New Castle County, to take charge of a certain piece of road in St. Georges' Hundred.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Levy Court  
of New Cas-  
tle County  
authorized  
to take  
charge of  
certain  
piece of  
road.

SECTION 1. *Be it enacted,* That the Levy Court of New Castle County shall hereby have authority, when they may choose to do so, to take charge of a certain piece of road in St. Georges' Hundred, in New Castle County, commencing at the north end of the long bridge known as St. Augustine Bridge, and extending along the bay shore northward thirteen hundred and fifty feet to the fast land known as the Potter's Field.

*Passed at Dover April 18, 1887.*

## OF ROADS AND BRIDGES.

## CHAPTER 134.

## OF ROADS AND BRIDGES.

AN ACT to lay out and establish a private road in Indian River and Lewes and Rehoboth Hundreds, in Sussex County.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. That Joseph B. Virden, Alfred R. White and Thomas W. B. Turner, three judicious and impartial free-<sup>Commissioners.</sup> holders, be and the same are hereby appointed commissioners to go upon and view the premises and determine whether there is need of a private road to begin at or near the farm<sup>Location.</sup> house of John M. Perry, in Indian River Hundred, in Sussex County, and to run thence through lands of the said John M. Perry and lands of William C. Vesey to the public road leading from Bendick's Branch to the State Road, following as nearly as practicable the line of an outlet or private way now leading from the farm house of the said John M. Perry to the said public road, and if the said commissioners, or a majority of them, shall determine that there is need of such a private road they shall, with the assistance of a surveyor to be by<sup>Surveyor.</sup> them selected, lay out such private road not exceeding twenty-five feet in width, and shall cause a plot thereof to be made representing the courses and distances thereof, and the lands through which the same shall pass, and shall assess the damages which may accrue to the owners of said lands by<sup>Damages.</sup> means of said road, taking into consideration the fact that the outlet or private way aforesaid is now and for many years has been existing and used.

SECTION 2. That if a private road shall be laid out as aforesaid the said commissioners shall as soon thereafter as practicable make a return of their proceedings, with the said plot annexed, to the Clerk of the Peace in and for Sussex<sup>Plot and return to be made to the Clerk of the Peace.</sup> County, setting forth a description of said road and their determination that there is need of the same. The plot and return so made as aforesaid shall be forthwith recorded by the Clerk of the Peace as the plot and return of a private road, and as soon as such return shall have been made as aforesaid, the said road shall be and thereafter be deemed to be a lawful private road.<sup>To be recorded.</sup>

SECTION 3. That the commissioners and surveyor, before entering upon and performing their respective duties under

## OF ROADS AND BRIDGES.

Shall be  
sworn or  
affirmed.

Vacancy.

Fees.

Costs and  
damages.  
How paid.

this act, shall be severally sworn or affirmed, to perform the same according to the best of their judgment and skill; either of said commissioners may administer the oath or affirmation to the other commissioners and to the surveyor; and any act or determination of a majority shall be as valid as if all had concurred. In case of a vacancy or vacancies in the number of commissioners hereinbefore named from any cause, another commissioner or other commissioners may be appointed by the remaining commissioner or commissioners to supply such vacancy. The fees of said commissioners shall be one dollar per day of actual service, The cost of laying out said private road and the damages which may be assessed shall be borne and paid by the said John M. Perry; and the said private road shall be made and maintained and repaired in accordance with the provisions of Sections 39, 40 and 41, of Chapter 60 of the Revised Code of 1852 as amended.

SECTION 4. That this act shall be deemed and taken to be a public act.

*Passed at Dover, April 19, 1887.*

## CHAPTER 135.

## OF ROADS AND BRIDGES.

AN ACT authorizing the laying out of a new road and the vacating of part of an old road in North West Fork Hundred, in Sussex County.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Commis-  
sioners.

Location.

SECTION 1. That Edward Jones, B. M. Adams and Robert Hill be and they are hereby appointed commissioners to go upon and view a certain road in North West Fork Hundred, Sussex County, to wit: A road running through lands of John H. Vandenburg and William T. Sudler and into the town of Bridgeville, in said hundred and county, and if they or a majority of them shall deem it proper to vacate the same they are hereby authorized and directed to lay out and substitute for such vacated road a new road commencing at a point

## OF ROADS AND BRIDGES.

in the road on lands of John H. Vandenburg and running from thence in a line parallel with the Delaware railroad through lands of John H. Vandenburg, William T. Sudler and Mrs. M. A. Cannon until said road intersects New street in the town of Bridgeville.

SECTION 2. That the above named commissioners are authorized and directed to assess all the damages that may accrue to the owner or owners of lands through which said road runs.

SECTION 3. That all and every expense in vacating the old road and laying off the new one shall be paid by the said John H. Vandenburg, and shall not under any circumstances become a lien upon or be paid by the County of Sussex.

Expense of  
laying out  
road, &c.  
How paid.

SECTION 4. That before closing up the old road authorized to be vacated by this act the new road authorized to be laid out shall be put in good order for public travel and be accepted by the Levy Court of Sussex County, but nothing in this act shall in any manner authorize the closing up of the old road or the opening of the new one until the said John H. Vandenburg shall have secured unto William Gray a convenient and satisfactory road or outlet from a point in the old road authorized to be closed up to the new road authorized to be opened, and nothing in this act shall in any manner authorize the closing up of the old road mentioned in this act that lies east of New street in the town of Bridgeville.

New road to  
be accepted  
by Levy  
Court be-  
fore old  
road is en-  
closed.

Proviso.

*Passed at Dover, April 19, 1887.*

## OF ROADS AND BRIDGES.

## CHAPTER 136.

## OF ROADS AND BRIDGES.

AN ACT in relation to Public Roads and Highways in Brandywine Hundred, New Castle County.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

**Duty of the road commissioners of Brandywine Hundred.** SECTION 1. That it shall be the duty of the Road Commissioners of Brandywine Hundred, in New Castle County, to sell out or dispose of the public roads and highways in said hundred on the second Thursday of May following the passage of this act for the purpose of keeping them in good and proper repair in the manner and form hereinafter provided.

**Time for which roads shall be sold.** SECTION 2. That the said public roads and highways shall be sold out or disposed of for a term of three years, and it shall be the duty of the Road Commissioners within thirty days preceding the day of sale, as directed by the first section of this act (and within the same period of time preceding the expiration of each and every term of three years thereafter), to lay out and divide the public roads and highways in the said hundred into sections of one-half mile to one mile each in length, as they may deem practicable, but no sections shall exceed one and one-half miles in length. All sections shall be numbered and described in a book to be kept for the purpose by the Road Commissioners. They shall also specify distinctly therein what they deem necessary for the improvement and keeping in good repair the said public roads and highways, with an estimate, in the judgment of the Road Commissioners, of the amount of money that will be required to keep in good repair each and every section of said public roads or highways, respectively, for the term of three years as provided in this section.

**Commissioners shall lay out and divide the roads in sections.**

**Section to be numbered.**

**Shall specify the improvements necessary and make estimates of the money required for repairs.**

**Ten days notice of sale to be** SECTION 3. And it shall be the duty of the Road Commissioners to give at least ten days notice by ten or more hand-bills put up in the most public places in said hundred, and also to publish one notice in each of two weekly newspapers of the City of Wilmington within ten days preceding the day of sale, setting forth the place and hour for the taxable inhabitants of said hundred to meet, at which time and place the Road Commissioners shall attend and sell at public sale for the term of three years to the lowest bidder of the

**What notice must state.**

## OF ROADS AND BRIDGES.

taxable inhabitants of the said hundred the said sections of the public roads and highways according to the terms specified by direction of said Road Commissioners, one section at a time until they shall all be disposed of; but no section shall be sold for more than the amount estimated thereon by the Road Commissioners, and any section or sections remaining unsold on account of no bid having been made, or on account of their having been bid for at a higher rate than the amount estimated by the Road Commissioners, they shall again be set up and sold to the lowest bidder not exceeding the estimate aforesaid, and if any section or sections shall still remain unsold, the Road Commissioners shall afterward let out the same on private contract. The building or repairing of bridges or culverts that shall cost over twenty dollars shall be by contract. All contracts for bridges or culverts shall be made by sealed proposals received by the Road Commissioners, and shall be given to the lowest bidder under the same conditions as is required for contracts for repairing the public roads and highways. All bridges or culvert to be built or repaired costing twenty dollars and less the Road Commissioners shall proceed at once to repair or build the same. (*Provided,*) that the said Road Commissioners shall not be allowed directly, or indirectly, to purchase or contract for any section of road so let out, or bridge or culvert to be built or repaired.

May re-sell.

When roads may be let out.

Contracts, how made.

Bridges to be built.

Proviso.

SECTION 4. Any person or persons who shall purchase or contract for a section of road as aforesaid shall write his, her or their names, respectively, in the Road Commissioners book opposite the section or sections so purchased or contracted for, together with the amount of purchase or contract money, which shall be deemed and taken as sufficient evidence of the contract or contracts, and in addition shall give judgment note or bond with security in not less than double the amount of the contract or contracts. such note or bond shall be drawn in the name of the Road Commissioners of the hundred and their successors in office, who are expressly authorized to take and receive the same and maintain any and all actions proper to be maintained thereon.

Duty of the persons purchasing or contracting for a section.

Shall give bond.

SECTION 5. The annual repairs of the public roads and highways as provided for in this act shall be made within forty days from the second Thursday of May in each and every year, and any contractor failing to make the necessary repairs according to the terms of the contract and the provisions of this act, or the keeping of the same in repairs, or if they shall refuse or neglect to fulfill their contract after hav-

Time of making repairs.

Failure to repair, road commissioners may proceed.

## OF ROADS AND BRIDGES.

Roads to  
be in-  
spected.

ing been duly notified thereof, the Road Commissioners shall proceed at once to have said section or sections repaired, and the costs of improving and repairing the same shall be recoverable in the same manner as is laid down in section 4 of this act. The public roads and highways in the said hundred shall be inspected by one at least of said Road Commissioners every three months, and at such other times as they may be called upon by complaint, which may be made against any contractor by any taxable inhabitant of the said hundred.

Payments.  
How made.

SECTION 6. It shall not be lawful for the Road Commissioners to order the payment of more than one annual proportion of the amount of sales or contracts to any purchaser or contractor, and that portion to be due and payable only upon the order of at least two of the said Road Commissioners at the expiration of each and every year in case of death or the removal out of said hundred of any contractor the said Road Commissioners shall pay the representative of persons so deceased and to persons so removing such portion of the money specified in the respective contracts as they shall believe them justly entitled to. *Provided* that any person or persons removing from said hundred shall at least thirty days before the second Thursday of May notify at least two of the said Road Commissioners of his or their intentions, that the section or sections held by him or them may be relet. The Road Commissioners shall at any and all times have the right to go upon any section that may have been let under the provisions of this act for the purpose of repairing or building any bridge or culvert or for the purpose of graveling or turnpiking any part of a section. The said Road Commissioners shall also have power at any time to let by private contract any section that may not have been disposed of at public sale of for sections where the contracts have become void from death, removal from the hundred or from other causes. *Provided however*, that this act shall not apply to any road or roads constructed under the provisions of this act passed at the present session of the Legislature entitled "An act to encourage the improvement of the public roads, and to provide for the maintenance thereof in New Castle County," nor alter or repeal said act in any way.

Proviso.

Rights and  
powers of  
the com-  
missioners.

SECTION 7. In time of heavy snow storms, by which the public roads and highways become filled with snow so as to impede travel, it shall be the duty of the said Road Commissioners to provide teams, men and such other appliances as may be needed to at once make the said roads or highways passable.

## OF ROADS AND BRIDGES.

SECTION 8. So much of the laws of this State relating to public roads and highways as is inconsistent herewith is hereby repealed, so far as relates to Brandywine Hundred, in New Castle County.

Acts relating to public roads repealed as to Brandywine Hundred.

*Passed at Dover, April 20, 1887.*

## CHAPTER 137.

## OF ROADS AND BRIDGES.

## AN ACT Concerning Public Roads in Appoquinimink Hundred.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. The Road Commissioners of Appoquinimink Hundred shall some time in the month of April view the roads and bridges in the aforesaid hundred and make an estimate of the amount of money it will require to keep said roads and bridges in repair for the current year.

Road Commissioners to view roads and bridges.

SECTION 2. Immediately upon the reception of the duplicate by Collector of County Rates and Taxes the Road Commissioners shall meet and calculate the rate per centum on the duplicate of said hundred which shall have been approved by the Levy Court of New Castle County, and they shall lay the road tax accordingly.

Shall meet and calculate the rate on duplicate.

SECTION 3. The Road Commissioners of the aforesaid hundred shall appoint a suitable person to collect the road tax of said hundred; said collector shall give bond with two or more securities to be approved by the Road Commissioners for the faithful performance of his duty, said bond shall be given the Road Commissioners and their successors in office in a penal sum double the amount of the tax to be collected.

Shall appoint a person to collect road tax. Bond.

SECTION 4. The Road Commissioners of the aforesaid hundred shall in all cases use proper discretion in the purchase of lumber for the bridge in the aforesaid hundred, as also in the performance of any and all other duties appertaining to the office, and in case of failure in the performance

May purchase materials.



## OF ROADS AND BRIDGES.

of their duty they shall be liable to be indicted by the Grand Jury of the county, and if proved guilty the Court shall fine in such sum as said Court shall deem just.

Tax not ex-  
ceeding  
\$3,000 may  
be levied.

SECTION 5. The Road Commissioners of the aforesaid hundred shall not levy and cause to be collected a sum exceeding three thousand dollars in any one year for road taxes in the aforesaid hundred.

Shall not  
give a  
check until  
when.

SECTION 6. The Road Commissioners shall not give a check to any person or persons furnishing material for bridge or doing work on the roads in the aforesaid hundred until the parties shall show said commissioners that their road taxes for the current year has been paid.

Inconsis-  
tent acts  
repealed.

SECTION 7. All acts and parts of acts inconsistent with this act is hereby repealed. *Provided* the collector appointed to collect the road taxes shall be the collector of county taxes.

*Passed at Dover, April 21, 1887.*

## CHAPTER 133.

## OF ROADS AND BRIDGES.

AN ACT to authorize the laying out of a New Public Road in West Dover Hundred.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Commis-  
sioners.

Location.

SECTION 1. That James Williams, William Thomas Hall and Daniel V. Hutchins, three judicial\* and impartial freeholders of Kent County, be and they are hereby appointed commissioners to go upon and view the lands and premises and determine whether there is need of a new public road in West Dover Hundred, to begin at a point in the public road leading from Marydel to Thomas' Chapel at a curve in said road where it is intersected by the private outlet of Jacob S. Nonamaker across lands of Martin R. Ford, and running thence in a southerly direction or in such direction as said

\*So enrolled.

## OF ROADS AND BRIDGES.

commissioners may deem best on lands of Martin R. Ford, Jacob S. Nonamaker, Eliza Warren, James E. Boyer, Nathan Whitby and John B. Kersey until it intersects the public road leading from "River Bridge" to Thomas' Chapel at or near the dwelling house of John B. Kersey, and if they, or a majority of them, shall determine that there is need of such new public road they shall, with the assistance of a skillful surveyor, by them to be selected, proceed to lay out the same and shall assess the damages of all the owners of lands through or along which said road shall pass, taking into consideration all the circumstances of benefits well as injury and shall make a computation of the costs of opening and making said new road, and shall return the same, accompanied by a plot of said new road to the Clerk of the Peace in and for Kent County, to be by him laid before the Levy Court of Kent County at its next session, that the said Levy Court may make an appropriation for opening and making the same as a public road. When the draft and return shall have been accepted by the said Levy Court, the said road hereinbefore authorized to be laid out shall be deemed and taken to be a public road, and the laws applicable to public roads in Kent County are hereby extended to and shall apply to said road.

Surveyor

Plot and  
return to be  
made to the  
Clerk of the  
Peace.

SECTION 2. That the said commissioners and the surveyor elected by them, before entering upon any of the duties required of them under this act, shall be severally sworn or affirmed faithfully and impartially to perform the several duties required of them under this act according to the best of their skill and judgment, respectively. The acts of a majority of said commissioners shall be as valid as if concurred in by all of them. In case of a vacancy or vacancies, another or others may be appointed commissioner or commissioners by any Justice of the Peace in Kent County. The said commissioners may qualify each other and the surveyor for the performance of their respective duties under this act, and for such services they shall receive such compensation as the Levy Court may deem proper.

Shall be  
sworn or  
affirmed.

Vacancy.

Fees.

*Passed at Dover, April 22, 1887.*

## TITLE EIGHTH.

### Regulations Concerning Trade.

#### CHAPTER 139.

##### OF CANALS.

AN ACT in relation to the Proposed Canal intended as a Free Inland Water Way Connecting Assawaman Bay with Delaware Bay.

Preamble. WHEREAS, The construction is contemplated of a canal to connect the waters of Assawaman Bay with Delaware Bay, which is to be constructed by the Government of the United States, and when completed is intended to be devoted to public use as a free inland water way: And whereas, that part of the route of such canal lying between Jefferson Creek and White's Creek, in the County of Sussex, in this State, has been defined and located by a survey made under the authority of the United States, pursuant to the provisions of an act of Congress in that behalf: And whereas, the remaining portion of the route of the said canal within this State is yet to be located and defined: And whereas, the said canal is to be constructed by and maintained as one of the public works of the United States. Therefore,

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Consent of the Legislature given the government of the U. S. for acquisition of title to lands.

SECTION 1. That the consent of the Legislature be and the same is hereby given to the acquisition by the Government of the United States of the title to such lands within this State on or contiguous to the route of the said proposed canal as may be necessary for the location and construction of the said canal and its appurtenances; and all deeds, conveyances and other papers relating to the title thereof shall be recorded as in other cases in the office of the Recorder of Deeds in and for Sussex County. The consent herein and hereby given being in accordance with the eighteenth clause of

## OF CANALS.

the eighth section of the first article of the Constitution of the United States and with the acts of Congress in such cases made and provided. But notwithstanding such consent and concession the sovereignty and jurisdiction of this State shall extend over all lands acquired by the United States within the limits of this State so far as that all civil and criminal process issued by virtue of any law of this State may be executed in any part of the lands so acquired, or any buildings or structures which may be erected thereon.

*Sovereignty  
and juris-  
diction of  
State to ex-  
tend over  
said land.*

SECTION 2. That in order to enable the United States to obtain title to land necessary for the location of the said canal not exceeding two hundred and ten feet in width, and also such additional lands as may be necessary, incident to the construction of work in every case where the owner or owners of such lands are unknown, non-residents, or minors, or from any other cause are incapable of making a perfect title to such lands, or where the said owners being residents and capable of conveying shall from disagreement in price or from any other cause whatever, refuse to convey said land; to the United States for the United States or its authorized agent in that behalf to apply by petition to the commissioners named in Section 3 of this act, setting forth in said petition by an accurate description of the land intended to be appropriated for the construction of said canal for the appraisement of its value and condemnation of the same, and when such condemnation shall have been made and the condemnation money paid or deposited as hereinafter provided, the title to the lands so condemned shall forthwith vest in the United States, subject only to the sovereignty and jurisdiction of this State as hereinbefore reserved.

*Title.  
How ac-  
quired in  
certain  
cases.*

SECTION 3. That Nathaniel Williams, of New Castle County; John S. Herrington, of Kent County, and Jeremiah Long, of Sussex County, shall be and are hereby appointed commissioners whose duty it shall be, upon the application of the United States or its authorized agent in that behalf in accordance with the provisions of the preceding section, to go upon and view any of the lands to be taken and appropriated for the location and construction of the said canal and to assess and determine the amount of damages which any owner of such land will sustain by reason of the construction through his land of such canal. In estimating the damages the said commissioners shall consider the advantages as well as disadvantages which will accrue to such owner by reason of the taking and appropriation of his said land and the

*Commis-  
sioners.*

*Damages to  
be assessed.*

## OF CANALS.

construction of the said canal. The said commissioners, or any two of them, shall have power to make an award, and such award shall be made in duplicate, one copy whereof shall be delivered to the United States or its authorized agent and the other copy shall be delivered to the owner, if such owner be known and be a resident of the State and be also legally competent to make a deed. If, however, such owner be unknown, non-resident, a minor, or otherwise legally incompetent to make a deed, then the copy which would otherwise have been delivered to the owner shall be deposited with the Recorder of Deeds in and for Sussex County, to be recorded in his office, and such record, or a certified copy thereof, shall be competent evidence. The award made by such commissioners, or any two of them, shall be final and conclusive, unless the owner shall, within five days after the making of the said award, apply by petition to the Associate Judge of this State, resident in the County of Sussex, for the appointment of a special commission of five freeholders of the said county; and upon such application it shall be and is hereby made the duty of such Judge to appoint such commission which shall be invested with the like powers as are by this act conferred upon the commissioners designated in this section. And the award made by such second commission, any three of them, shall be returned to the said Judge, and when by him approved shall be final and conclusive. The commissioners, as well those designated by this section as those who may be appointed by the Judge, shall be severally sworn or affirmed before entering upon their duties. The commissioners designated by this section shall receive such compensation for their services as the legislative committee, at its session in January, A. D., 1888, shall think proper to allow, and such allowance shall be paid by the committee's draft on the State Treasurer. If the said commissioners shall not have completed the services required by this act before the session of said legislative committee, they shall present to the General Assembly, at its next session, an account of the services rendered by them under this act subsequently to the session of the said legislative committee for allowance. The compensation of said commissioners not to exceed three dollars per day for actual service and mileage at three cents per mile. The commissioners appointed by the Judge shall receive for their services two dollars per day, which, together with all other expenses connected with the application for such second commission, shall be paid by the land owner applying therefor. In case any one or more of the three

Award.  
How made.

Copy.  
Where de-  
posited.  
Owner be-  
ing un-  
known.

Owner may  
have special  
Commis-  
sioner.  
When.

Commis-  
sioners  
shall be  
sworn or  
affirmed.  
Compensa-  
tion.

Vacancy.

## OF CANALS.

commissioners named and designated by this section shall die, omit or refuse to serve, remove from the State, or shall be from any cause incapacitated from serving as such, then and in every such case or cases the Governor is authorized and empowered to appoint another or others in his or their stead, who shall have like powers.

SECTION 4. That for the payment of the land damages on the route of the said proposed canal within this State between Jefferson's Creek and Lewes creek, the sum of two thousand and five hundred dollars, or so much thereof as may be necessary, is hereby appropriated out of any unappropriated moneys in the treasury of this State; and such damages shall be paid by the State Treasurer, either upon the draft of the owner accompanied by a certified copy of the award; or by a deposit of the amount awarded in the Farmers' Bank at Georgetown to the credit of the parties in whose favor such award shall be made; and in all cases when damages are paid by the State Treasurer by deposit to the credit of the owner, as in this section authorized, it shall be the duty of the said State Treasurer to take from the cashier of the said bank a certificate of each sum so deposited, and such certificates shall constitute his vouchers for the money so disbursed. Nothing, however, in this act contained shall be so construed as to create any obligation or assumption on the part of this State to make any other contribution toward the said work beyond the said sum of two thousand and five hundred dollars, or so much thereof as may be necessary to pay the land damages on the route of the said proposed canal within this State between Jefferson's Creek and Lewes Creek as aforesaid.

SECTION 5. This shall be a public act, and whenever the said canal so to be constructed shall cross any public road or railroad, a proper bridge with a suitable draw shall be erected and maintained at every such crossing, and the concession made by this act is so made subject to the exercise of this right and privilege.

*Passed at Dover, April 4, 1887.*

## OF INSURANCE COMPANIES.

## CHAPTER 140.

## OF INSURANCE COMPANIES.

AN ACT to amend an act entitled "An act in relation to Insurance Companies."

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Life insurance companies collecting premiums weekly may apply to Clerk of the Peace for license. Upon payment of license fee clerk to issue license.

Agents not required to pay additional fee.

Exception.

Proviso.

SECTION 1. That any Life Insurance Company, which collects its premiums for insurances on lives in weekly payments, may apply to the Clerk of the Peace in any county for a proper license authorizing and empowering such company to engage in and carry on its business in this State, and upon payment to the said Clerk of the Peace of the sum of fifty dollars and also the fee to the Clerk of the Peace for issuing the license, it shall be the duty of such Clerk of the Peace to issue to it a proper license to transact business for one year from the date thereof. Any such company after receiving such license, and otherwise complying with the insurance laws of this State, shall be authorized to transact its business in the State, and any agents or employes of such company employed to solicit applications for insurance and collect premiums, shall not be required to pay any other license fee as an insurance agent except the fee of two dollars to the Insurance Commissioner for the certificate of authority of said agent; *Provided*, that such agent or employe is not engaged in soliciting or transacting business within the State for any other foreign fire or life insurance company.

*Passed at Dover, April 6, 1887.*

## OF PILOTAGE, NAVIGATION AND VESSELS.

## CHAPTER 141.

## OF PILOTAGE, NAVIGATION AND VESSELS.

A SUPPLEMENT to an act entitled "An act regulating Pilots and Pilotage of and in the Bay and River Delaware," passed at Dover, April 5th, 1881.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. That no master or commander of a steam tug-boat shall undertake to tow any inward bound vessel required or liable to take a pilot by the act to which this is a supplement beyond a line, the Brandywine Light House bearing east (unless such vessel has a pilot on board) without lying by for five hours, at the Delaware Breakwater, to give an opportunity for a pilot to offer.

Unlawful for master or commander of a steam tug-boat to tow vessels without a pilot.

SECTION 2. Any master or commander of a steam tug-boat, or any person in charge of the same, who violates the foregoing section shall be treated and regarded as piloting without a license, and together with the owner or owners thereof shall become liable to and pay for the uses of the Board of Pilot Commissioners, created by an act passed at Dover, April 5th, 1881, entitled "An act regulating Pilots and Pilotage of and in the Bay and River Delaware," a sum equal to the regular pilotage prescribed by the said act of April 5th, 1881, had such inward bound vessel taken a pilot.

Penalty.

SECTION 3. The said Board of Pilot Commissioners are hereby empowered to sue for the pilotage that may be incurred under this act, and to enforce all remedies for the same by suits in the courts of this State or before a Justice of the Peace, or by proceedings in *rem* to enforce the lien which is hereby given said Pilot Commissioners on any steam tugboat whose master, commander, or person in charge of the same, has incurred or become liable for the pilotage aforesaid.

Pilot Commissioners empowered to sue for pilotage.

*Passed at Dover, April 13, 1887.*



## OF RETAILERS OF GOODS AND PEDDLERS.

## CHAPTER 142.

## OF RETAILERS OF GOODS AND PEDDLERS.

AN ACT to amend Chapter 68, of the Revised Code.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Section 3,  
Chapter 68,  
Revised  
Code  
amended.

SECTION 1. That Section 3 of Chapter 68, of the Revised Code, be and the same is hereby amended by striking out the words "to a non-resident of the State" occurring in line six of said Section 3, also by striking out the words "to a bona fide citizen eight dollars" in line seven of said section; also, by striking out the word sixteen in the eighth line of said section 3 and inserting the words "twenty-five."

Further  
amended.

SECTION 2. Add to the said Chapter 68, of the Revised Code, the following section as Section six: That any person, firm or corporation who shall neglect to take out any license required by the laws of this State for the period of ninety days after the time prescribed by law for taking out the same shall forfeit and pay to the Clerk of the Peace, issuing the same, for the use of the State, in addition to the amount already required by law for such license, a further sum equal to twenty-five per centum of the amount required for such license as aforesaid.

*Passed at Dover, April 21, 1887.*

## TITLE NINTH.

## Of Corporations.

## CHAPTER 143.

## OF BANKS.

AN ACT to amend the act entitled "An Act to renew the act to incorporate the Artisans' Savings Bank and the acts Supplementary thereto and to amend the same.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch concurring:)*

That section 3, of chapter 450, of the 16th volume of the Laws of Delaware, entitled "An Act to renew the act to incorporate the Artisans' Savings Bank and the acts supplementary thereto, and to amend the same," passed at Dover, February 15th, 1881, be and the same is hereby amended by inserting in the fourth line of said section after the word "depositors" and before the word "and," the words following, to wit: "And that it shall and may be lawful for the said bank to receive moneys of the amount of five hundred dollars, and sums exceeding that amount upon special deposit at such rate of interest as may be agreed upon between the depositor and the Board of Managers not exceeding the semi-annual rate of dividend at the time of such deposit."

SECTION 2. That all parts of said act inconsistent with this act be and the same are hereby repealed, and that this act shall be deemed and taken to be a public act, and the power to alter and revoke the same is hereby reserved to the Legislature.

*Passed at Dover, April 14, 1887.*

Sec. 3.  
Chapter 450  
Vol. 16.  
Laws of  
Delaware  
amended.

Inconsis-  
tent acts  
repealed.

## OF INSURANCE COMPANIES.

## CHAPTER 144.

## OF INSURANCE COMPANIES.

AN ACT to amend the charter of the Kent County Mutual Insurance Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch of the Legislature concurring):*

Charter of  
Kent County  
Mutual  
Insurance  
Company  
amended.

That the charter of the Kent County Mutual Insurance Company as now existing by virtue of several acts of the General Assembly, which together constitute the said charter, be and the same is hereby amended by inserting in the second section thereof after the word "fire" therein occurring, the following words "or by lightning, whether the same be thereby set on fire or not," and also by inserting in the ninth section thereof after the word "fire" therein occurring these words "or lightning," and also by inserting in the tenth section thereof after the word "fire" therein occurring these words "or lightning."

May enter  
into agree-  
ment with  
other com-  
panies.

SECTION 2. *And be it further enacted,* That it shall and may be lawful for the said "The Kent County Mutual Insurance Company" to make and enter into any covenant or agreement with any other insurance company whereby to protect, indemnify and re-imburse itself, in whole or in part, for or against any loss or damage incurred or arising by reason of its liabilities on any policy of insurance now issued or to be issued by it.

*Passed at Dover, March 1, 1887.*

## OF CANALS.

## CHAPTER 145.

## OF CANALS.

AN ACT to amend the act to renew and to amend the act entitled an Act to Incorporate the Agricultural Canal Company of Baltimore Hundred, Sussex County, Delaware.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch thereof concurring,)* that James H. Law, Jacob A. Wilgus, Zadoc J. Evans, John Wilgus, John W. Daisey, Charles C. Rickards, Isaac D. Rickards, Peter W. Bennett, Stephen Rickards, Smyth W. Floyd, Mary D. McCabe, Charles W. Daisey, Joshua T. Evans, Thomas Dukes, Maria L. Tire, Lucinda A. Daisey, Catharine P. Bennett, Mack C. Long, E. H. Derickson, L. H. Derickson, Lemuel Lynch, James Anderson, and such other persons as now are or may hereafter become the taxables and owners of the low grounds drained by the said Agricultural Canal in Baltimore Hundred, Sussex County, as the same has been heretofore laid out and surveyed and confirmed under the existing laws of the State of Delaware, are declared to be a corporation and body politic by the name of the Agricultural Canal Company of Baltimore Hundred, and by that name may have succession and successions, and may have a common seal, sue and be sued, implead and be impleaded in all courts of record in the State and elsewhere, and shall have the right and the power and legal authority which shall be necessary to carry into effect the said corporation, but the said company shall not exercise banking powers.

Corporators.

Corporate name.

SECTION 2. *And be it further enacted,* That the said taxables and owners so as hereinbefore described in order to effect the objects of said corporation they shall meet on the first Saturday of May next in the school-house in District No. 119, Sussex County, or some other place as near as can be obtained to said school-house, and on the first Saturday of May annually thereafter, between the hours of two and four o'clock, P. M., and elect from among the taxables aforesaid two managers and one treasurer to serve for one year and until their successors shall be duly chosen and qualified, that at such election each voter shall be entitled to one vote for each and every dollar of tax paid by him, her or them for the last assessment made before the election at which such persons shall offer to vote. Notice of the time and place of meeting shall be posted for ten days in five of the most public

Time and place of meeting.

Managers to be elected.

Notice.

## OF CANALS.

places in the neighborhood of said canal signed by the managers and treasurer, or one or more of them, or in the case of the death or disqualification or the refusal or neglect of the said managers and treasurer to advertise the said annual meeting then any two of said taxables are authorized to advertise the same as directed herein.

Commissioners.  
How chosen

Duties and  
powers.

Appraisement to be  
made every  
five years.

SECTION 3. *And be it further enacted,* That the said taxables or corporators shall, at their first meeting to be held as aforesaid, choose by ballot and by a plurality of votes three substantial and disinterested freeholders of Sussex County aforesaid, having no interest in any of the lands drained or benefitted by said canal, as commissioners to go on the aforesaid canal, and if in their judgment shall deem it prudent and necessary for the draining of any of the low lands of the taxables or corporators of said canal they shall lay off, widen, deepen or extend any new or old branch or branches of said canal; the said commissioners shall have a right to vacate any branch or branches of said canal that they deem unnecessary, and to call a surveyor to run out and survey any or all new branches only, and to make a valuation of the lands drained or benefitted by said canal, and the said commissioners are hereby further authorized and required to go upon and view all the lands which, in their opinion, or in the opinion of a majority of them, are drained or benefitted by said canal; and to ascertain all of the said owners of the said lands drained or benefitted by the said canal and the quantity of such lands held by each owner or by the joint or common owners (if any be held undivided,) and to appraise all the said lands which in their opinion, or in the opinion of a majority of them, are drained or benefitted by the said canal, and shall determine the value of the said lands according to the situation thereof, and upon such principles as will do equal justice to all the owners thereof, which said appraisement shall be the basis of assessment for all the taxes levied under this act for the period of five years next ensuing the date of making said appraisement; and if, at the expiration of said period of five years, the said taxables or corporators shall by ballot and by a plurality of votes at a stated annual meeting of said taxables or corporators, determine to make a new appraisement of said lands drained or benefitted by said canal as a basis for all their subsequent assessments of taxes, they shall choose by ballot and a plurality of votes three other like commissioners for the purpose of making such appraisement, who shall have all the powers vested in and perform all the duties herein required of those first chosen

## OF CANALS.

under this act, and whose appraisement, when duly certified to a meeting of the said taxables or corporators shall continue for five years thereafter as a basis for all their subsequent taxation under this act; but if the said taxables or corporators shall otherwise determine at said meeting, the appraisement first made under this act shall continue as a basis of all the then subsequent taxation under this act for the period of five years thereafter, and so on in succession as above mentioned.

SECTION 4. *And be it further enacted,* That the said commissioners, or a majority of them, shall within thirty days from the day of their appointment call a special meeting of the said taxables or corporators by giving five day's public notice in writing, posted as aforesaid, to which said meeting the said commissioners, or a majority of them, shall return a certificate made under their hands, or the hands of a majority of them, containing the names of the respective owners of the said lands, the quantity of said lands held by each owner or by joint owners (if any be undivided), and the appraisement of the said several quantities or parcels of said lands by said commissioners to be named as aforesaid; and the said commissioners are hereby further authorized and required after viewing the said Agricultural Canal to estimate the probable expense of cleansing and repairing the said canal, and the said commissioners, or a majority of them, shall within thirty days after their appointment certify to the managers for the time being the amount of such estimate; if any of the said commissioners shall die, resign, remove from Sussex County, or refuse to act before all the said duties of the said commissioners shall have been completed, then and in that case the said taxables or corporators may at any annual, adjourned or occasional meeting, choose a commissioner or commissioners to fill the vacancy or vacancies, and the commissioners shall swear or affirm each other to discharge the said duties faithfully and impartially according to the best of their skill and judgment, and every commissioner shall for each and every day's service in and about the business of said company under this act be entitled to receive of said company the sum of one dollar and fifty cents.

Commissioners shall return certificate of appraisement within thirty days after appointment.

Shall certify to managers an estimate of cost of cleaning canal.

Vacancy. How filled.

Must be sworn or affirmed.

SECTION 5. *And be it further enacted,* That for the purpose of raising the necessary sums of money for answering the purposes by this act intended, it shall and may be lawful for the managers for the time being and they are hereby authorized and required (after the appraisement and valuation aforesaid shall be made and returned as aforesaid, and the es-

## OF CANALS.

Shall levy and assess amount necessary for cleansing and cutting canal. timate of probable expenses shall be made and returned and certified to them as aforesaid) to levy and assess the amount of money resolved to be raised for cleansing, opening and cutting the said Agricultural Canal at the annual meeting, on the basis of the assessment last made and returned by the commissioners, and the same shall be levied by the said managers within the said month of May of each and every year after the election of said managers; that the said managers shall give five days' notice to the several taxables (or those in possession of the said low grounds where the owners do not reside in the county) of the time when they will proceed with the work of cleansing, opening or cutting said canal, that said taxables and owners shall then have the right to contribute in work under the directions of the managers to the amount of tax levied on them. That if the said taxables after being thus notified shall neglect or refuse to perform the work or labor, then it shall be the duty of the treasurer upon notice given him by the said managers or either of them to proceed within twenty days thereafter to collect the said taxes and for that purpose he shall have the same powers and authority to collect as are given to the collector of a hundred for the collection of county taxes, and the said managers may employ other persons to do and perform such work for which they shall give orders drawn by them on the treasurer, and the said managers and treasurer shall settle their accounts annually with the said taxables at their annual meeting, and may receive such compensation as the taxables in the preceding annual meeting may have allowed and fixed to be paid therefor.

Notice to be given of the time when proceedings will be begun.

Treasurer to collect taxes.

Accounts to be settled annually.

Persons obstructing the passage of the water or liable to damages. SECTION 6. *And be it further enacted,* That if any person or persons shall obstruct or hinder the passage of the water through said Agricultural Canal such person or persons shall become liable in damages to any taxable or owner damaged thereby, and to the said managers for the use of the said company the amount paid or contracted to be paid for the removal thereof to be recovered in either case before any Justice of the Peace within Sussex County, in the same manner as debts of one hundred dollars are recoverable by law, and that it may be lawful for any taxable of said company, or the managers thereof, to enter upon any lands through which the said Agricultural Canal passes for the purpose of removing such obstructions of whatever kind that hinders the free passage of water through the same.

When recovered.

SECTION 7. *And be it further enacted,* That all acts

## OF CANALS.

and parts of acts not consistent with this act are hereby repealed. Incon-  
sistent acts  
repealed.

SECTION 8. *And be it further enacted,* That this act shall be deemed and taken to be a public act and the power of revocation is hereby reserved to the Legislature. Public act.

*Passed at Dover, March 9, 1887.*

## CHAPTER 146.

## OF CANALS.

AN ACT to amend an act entitled "An act to incorporate a company for the purpose of cutting and making a canal between the Chesapeake Bay and Bay or River Delaware, or the waters thereof," approved January 28, 1801, and to ratify and confirm to the Chesapeake and Delaware Canal Company the title to lands purchased by it and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met two-thirds of each branch thereof concurring herein:* That so much of Section XI of an act entitled an "Act to incorporate a company for the purpose of cutting and making a canal between the Chesapeake Bay and the Bay or River Delaware, or the waters thereof," approved January 29, 1801, which reads as follows: "And be enacted that the said president and directors, or the majority of them are hereby authorized to agree with the proprietors for the purchase of a quantity of land not exceeding one acre at or near convenient places for the receipt of tolls aforesaid for the purpose of erecting necessary buildings, and in case of a disagreement or any of the disabilities aforesaid, or the proprietor being out of the State, then such land may be valued, condemned and paid for as aforesaid for the purpose aforesaid, and the said company shall upon payment of the valuation of the said land be seized thereof in fee simple as aforesaid," be and the same is hereby amended to read as follows: *And be it enacted,* That the President and Directors of the Chesapeake and Delaware Canal Company, or a majority of them, are hereby authorized to agree with the proprietors for the purchase of

Section XI.  
of act to  
incorporate  
a company  
for the pur-  
pose of cut-  
ting and  
making a  
canal be-  
tween the  
Chesapeake  
and Dela-  
ware Bay-  
or River  
Delaware  
amended.



## OF CANALS.

such a quantity of land as the corporation shall need for the erection of necessary buildings and such other uses as the purposes of the corporation shall require, and in case of disagreement or any of the disabilities aforesaid, or the proprietor being out of the State, then such land may be valued, condemned and paid for as aforesaid for the purpose aforesaid, and the said company shall upon payment of the valuation of the said land be seized thereof in fee simple as aforesaid.

Purchases  
ratified.

SECTION 2. *And be it enacted*, That all purchases of land heretofore made by the Chesapeake and Delaware Canal Company be and the same are ratified and confirmed unto the Chesapeake and Delaware Canal Company, and the said company be authorized to enjoy the title to the same in fee simple for the uses and purposes of said company.

*Passed at Dover, March 29, 1837.*

## CHAPTER 147.

## OF DITCHES.

AN ACT to amend Section 15 of the Act entitled An Act to Incorporate The Pint Branch Ditch Company, passed at Dover, April 6, 1885.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch of the Legislature concurring:)*

Persons to  
be chosen  
to fix com-  
pensation.

SECTION 1. That three disinterested persons to be next hereafter chosen in the manner as provided for by section 15 of the act entitled An Act to Incorporate the Pint Branch Ditch Company, passed at Dover, April 6, 1885, to fix and determine the amount of compensation to be paid by the Pint Branch Ditch Company to the Marshy Hope Improvement Company for the privilege of emptying the waters of its ditch or ditches into the main ditch of the said The Marshy Hope Improvement Company, shall fix and determine as the amount of such compensation a certain per centum of the tax annually determined to be raised by the taxables of the said The Pint Branch Ditch Company at

Marshy  
Hope Im-  
provement  
Company to  
fix and de-  
termine per  
cent.

## OF DITCHES.

their annual meetings. The per centum so fixed and determined upon as the amount of compensation to be paid by the said The Pint Branch Ditch Company to the said The Marshy Hope Improvement Company for the privilege of emptying the waters of its ditch or ditches into the main ditch of the said The Marshy Hope Improvement Company shall be the amount of compensation for each and every year during a period of five years, and shall be paid to the treasurer of the said The Marshy Hope Improvement Company annually in the month of August of each and every year during the said period of five years, and after the expiration of each and every period of five years three disinterested persons shall again be chosen in the manner as provided for by said section 15 of the act entitled An Act to Incorporate the Pint Branch Ditch Company, passed at Dover, April 6, 1885, who shall again fix and determine as the amount of compensation to be paid by the said The Pint Branch Ditch Company to the said The Marshy Hope Improvement Company for the privilege aforesaid a certain per centum of the tax annually determined to be raised by the taxables of the said The Pint Branch Ditch Company at their annual meetings, which compensation shall be paid to the treasurer of the said The Marshy Hope Improvement Company annually in the month of August of each and every year during the respective periods of five years.

Per centum fixed to remain five years.

Three disinterested persons to be elected every five years to fix and determine the amount of compensation.

Time of payment.

SECTION 2. That all the provisions of section 15 of the act entitled An Act to Incorporate the Pint Branch Ditch Company, passed at Dover, April 6, 1885, except so far as the same are in conflict with the provisions of this act, be and the same are hereby declared to be in full force and effect.

Conflicting acts repealed.

*Passed at Dover, March 21, 1887.*

## OF DITCHES.

## CHAPTER 148.

## OF DITCHES.

AN ACT to incorporate the Herring Branch Ditch Company.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch concurring therein):*

Title of  
company.

SECTION 1. That the owners and possessors of certain low lands situated, lying and being in Dagsboro Hundred, County of Sussex, and State of Delaware, known as the low lands of Herring Branch Ditch, shall compose a company to be called the Herring Branch Ditch Company.

Commis-  
sioners.

SECTION 2. That Francis M. Gum, M. D., Capt. John Tingle and Eber D. Long, be and they are hereby appointed commissioners to go upon and view the low lands aforesaid and lay off a ditch sufficient in width and depth to thoroughly drain said low lands, said ditch to begin in the lands of Alfred L. Gray as far down said branch as the commissioners may deem necessary, thence to follow the branch and old ditch through said Gray's lands and to and through lands of Hiram Dukes to the lands of Joshua J. Derickson, and through the same to lands of John E. Harmon and through the same and through lands of Hettie C. Davis, Joseph S. Cary and Sallie M. Cannon, and terminating at the lands of Elizabeth Layton, in the town of Frankford.

Duties of  
Commis-  
sioners.

SECTION 3. That said commissioners shall take with them a skillful surveyor and proceed to lay off and specify the termini, courses and distances, size, depth and width of said ditch, and estimate the cost of making and cutting the same, the amount that each person shall contribute, whose land adjoins or will be benefited by the drainage of said ditch, and the amount of damages, if any, which any land owner may sustain by the cutting thereof, which said damage shall be paid or tendered before cutting the ditch. They shall estimate the number of acres of low grounds which each taxable owns that is benefited thereby, and make a return of their proceedings with a plot of said ditch and adjoining low lands to the April term, 1887, of the Superior Court of the State of Delaware, in and for Sussex County; *provided*, that this act shall be made a law in time to give sufficient time for the above mentioned levy or proceedings, if not, then in such case it may be returnable at the October term, 1887, and at the

Plot and re-  
turn to  
April term  
of Superior  
Court.  
Exception.

## OF DITCHES.

first day thereof the commissioners and surveyor shall be sworn to the faithful and impartial discharge of their duty, and the former are hereby empowered to swear or affirm each other and the surveyor. All the commissioners must act, but a majority may decide any manner authorized by this act.

Shall be sworn.

SECTION 4. That all persons who shall be benefited by said ditch shall be liable to contribute to the cost of making the same and to the damages awarded and the expenses of the proceedings. The commissioners shall determine who shall be benefited, and shall apportion the same upon them according to such benefit.

Persons benefited to contribute.

SECTION 5. That the said return of the proceedings of said commissioners with a plot as aforesaid shall be filed in the office of the Prothonotary of the said court on or before the first day of said term thereof and may be confirmed by said court, after which it shall remain in force for five years as a basis of any subsequent assessment that may be made by the managers for completing and repairing said ditch or other necessary purposes, and if at the expiration of said period of five years the said taxables or corporators shall determine to make a new assessment or appraisalment of the said lands drained or benefited by said ditch as a basis for all their subsequent assessment of taxes, they shall choose by ballot, and a plurality of votes, three other like commissioners having no interest in any of the aforesaid lands, for the purpose of making such appraisalment, who shall have all the power vested in and perform all the duties herein required of those first chosen under this act, and whose appraisalment when duly certified to a meeting of the said taxables or corporators shall continue for seven years thereafter as a basis for all their subsequent taxation under this act; but if the said taxables shall otherwise determine at said meeting the appraisalment first made under this act shall continue as a basis of all the then subsequent taxation under this act, and after the second taxation is made it shall run as a basis for periods of seven years each thereafter.

Return to be filed with the Prothonotary.

To remain in force five years.

Commissioners to be chosen by ballot.

SECTION 6. That the commissioners after confirmation of said returns by said court, shall convene the persons liable to contribute to said ditch at the storehouse of Steele & Hickman, in the town of Frankford, for the purpose of choosing two managers and one treasurer of said ditch to serve for one year and until others are chosen; notice of the time and place of this meeting shall be posted in five public places of the neighborhood five days before the meeting. The managers, or

Managers. When and how chosen. Notice.

## OF DITCHES.

**Vacancy.** if one of said managers be dead or has removed from the county, or refuse to act, then the other managers, or if all said managers be dead, or have removed from the county or refuse to act, then the treasurer shall annually thereafter in the same manner call a meeting for the same purpose at the above mentioned place on the third Saturday in March, at one o'clock P. M.; the managers and treasurer shall be chosen among the taxables, and at all meetings the taxables present shall be entitled to one vote for every dollar of tax paid by him; *provided*, that each taxable of one dollar or less shall be entitled to one vote.

**Duty of managers.** SECTION 7. That the managers chosen as aforesaid shall proceed to make and open said Ditch according to the return filed in the office of the Prothonotary as aforesaid, or to cleanse the same as may be necessary, and shall have all needful powers for that purpose. They shall keep all regular accounts of their expenditures and shall render the same to the yearly meetings of the taxables and all payments shall be made by orders drawn by them on the treasurer. Any person assessed for a tax may discharge the same by work done under the direction the managers, and their certificates shall be received by the treasurer in payment of the tax.

**Treasurer to collect all sums assessed, Bond.** SECTION 8. That the treasurer shall collect all sums assessed as aforesaid, and shall have the same power herein as a collector of county rates. He shall give bond to the taxables with surety to be approved by the managers in double the amount of the assessment which he may be authorized to collect conditional for the faithful performance of his duty and for the payment to his successor of any money due from him, to which said bond and condition shall be annexed a warrant or power of attorney to confess judgment thereon in the usual form, and if the person so appointed treasurer shall neglect or refuse to give bond as aforesaid within thirty days next after his appointment the said managers may thereupon appoint another treasurer, who shall in like manner give bond as aforesaid, and so on until a treasurer be appointed who shall give bond and security as herein before provided. He shall settle with the taxables at their annual meeting and shall be entitled to retain five per cent. on the amount received as compensation.

**Failure to give bond another may be appointed.**

SECTION 9. That said Ditch so opened shall remain open for the benefit of those liable to contribute therefor, and if any person shall obstruct or stop up such Ditch, cut under

## OF DITCHES.

this act, he shall forfeit and pay to the managers, for the use of the Ditch Company, not less than twenty nor more than one hundred dollars. Penalty for obstructing ditch.

SECTION 10. That it shall be lawful for any person who may be taxable or interested in said Ditch either by themselves or by such other persons as they may employ to enter upon the lands of any person through which said Ditch may pass and remove any obstruction or obstructions of whatever nature or kind the obstruction may be which may exist in said Ditch, so that the water may pass freely through the same. Taxables may remove obstructions.

SECTION 11. That if any person or persons through whose lands said Ditch may pass should hinder or prevent any person or persons so interested as aforesaid from entering upon said lands to remove any obstructions which may exist in said Ditch, such person or persons so hindering or preventing the removal of such obstructions which may exist in said Ditch, such person or persons shall forfeit and pay the sum of one hundred dollars besides the costs of suit, to be sued for and recovered by any of the taxables of said Ditch before any Justice of the Peace in and for Sussex County. Penalty for hindering persons from removing obstructions.

SECTION 12. That if any commissioners appointed under this chapter shall refuse or be unable to act, or die, the Associate Judge of said county in vacation shall appoint another in his place. Vacancy.

SECTION 13. That the fees under this act shall be to each commissioner two dollars per day; to the managers, each day actually spent in the discharge of their duties, one dollar, and to the surveyor and prothonotary, for their duties, such an allowance as may be allowed by the said court, all costs and charges to be payable by and collectable from the treasurer out of the funds in his hands. Fees.

*Passed at Dover, March 24, 1887.*

## OF DITCHES.

## CHAPTER 149.

## OF DITCHES.

AN ACT to incorporate the West Prong Meadow Branch Ditch Company of Little Creek Hundred, Sussex County.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch concurring:)*

Owners of  
lands a  
corporation

Corporate  
name.

Commis-  
sioners.

Location.

SECTION 1. That Noah Cooper, D. S. Culver, Thomas Bacon, J. D. Elliott, Jonathan Waller, William S. Culver, Joseph W. Beach and Samuel Kenney, and all other persons who are now or may become taxables of the said Ditch Company, be and the same are hereby declared to be a body corporate for the purposes in this act mentioned, by the name, style and title of "The West Prong Meadow Branch Ditch Company," and shall have succession for twenty years, and by that name may sue and be sued, plead and be impleaded in any court of law or equity in this State, and shall have, possess and enjoy all the powers and privileges incident and common to such corporations, excepting banking powers.

SECTION 2. That Samuel Kenney, Thomas Bacon and Jonathan Waller be and they are hereby appointed commissioners to go upon and view the said lands and low grounds through which the said ditch or ditches shall go and which will be benefitted thereby, and ascertain the quantity of land and low ground which will be benefitted by the ditch or ditches to be opened under this act, and to lay out, locate and direct to be cut and opened a main ditch beginning at a point in the Meadow Branch Ditch in Little Creek Hundred, Sussex County, where the West Prong thereof commences, and then following the present West Prong Ditch through lands of Samuel Kenney, lands of Samuel L. Hearn, lands of the heirs of Washington Callaway, lands of Joseph W. Beach, lands of Jonathan Waller, lands of Thomas Bacon, and lands of William S. Culver, and terminations on lands of the said Culver, and to lay out, locate, direct to be cut and opened such other ditch or ditches as the commissioners may deem necessary to effectually drain the lands and low grounds aforesaid. They shall also determine the width and depth of the ditch or ditches by them directed to be cut and opened, and make a valuation and assessment of all the low grounds and land which will be benefitted by the opening of said

## OF DITCHES.

ditch or ditches, and according to the amount of benefit to be derived therefrom. If the said commissioners shall be of the opinion that any person will be injured by the making of any such ditch or ditches they shall assess and award to such person damages to the amount of such injury after taking into consideration all the advantages to be derived therefrom, and the same shall be paid or tendered before the cutting of said ditch or ditches, or deposited in the Farmers' Bank of the State of Delaware, at Georgetown, to the credit of such person or persons; the said commissioners shall make a plot of the ditch or ditches located by them as aforesaid, and a return of all their proceedings under this act to the Recorder of Deeds in and for Sussex County, to be by him recorded as soon as practicable after they shall have performed the duties herein imposed. Before entering upon the discharge of the duties imposed by this act, the said commissioners shall be sworn or affirmed to faithfully and impartially perform the same. The acts of a majority of said commissioners shall be deemed and taken to be the acts of the whole, touching the duties herein required of said commissioners.

Damages.

Shall make a plot and return same to Recorder of Deeds.

Shall be sworn or affirmed.

SECTION 3. That the persons composing said company shall meet at Laurel on the first Saturday in May, A. D., 1887, at ten o'clock in the forenoon, for the purpose of choosing from the said owners of said lands and low grounds one or more suitable person or persons to be manager or managers, and also a secretary and treasurer, who shall hold their offices respectively for one year and until their successors are duly chosen, and that thereafter the time for holding the annual meeting shall be on the first Saturday in May in every year at ten o'clock in the forenoon at Laurel in the hundred aforesaid. The said company may hold adjourned meetings or occasional meetings. Public notice shall be given by the managers of annual and occasional meetings at least ten days before the holding of such meetings. Each member of said company shall be entitled to one vote for each dollar of tax assessed against him either in person or by proxy duly executed under hand and seal and attested by two witnesses.

Time of meeting.

Notice of meetings. How given.

SECTION 4. That the manager or managers chosen as aforesaid shall proceed to make or open the ditch or ditches laid out and returned by the commissioners aforesaid when directed by the said company, or to cleanse and repair the same as may be necessary, and shall have all needful powers for that purpose. They shall keep regular accounts of all expenditures and shall render the same to the annual meeting

Duty of managers.

Shall keep accounts.



## OF DITCHES.

of said company; all payments shall be made by orders drawn by them on the treasurer, and the ditch or ditches so opened shall be kept open and in good condition for the benefit of those liable to contribute therefor. If any person shall stop or obstruct any ditch or ditches cut under this act he shall forfeit and pay to the managers, for the use of the said company, ten dollars, to be collected by the treasurer of said company.

Penalty for  
obstruction.

Treasurer  
shall collect  
sums  
assessed.

SECTION 5. That the treasurer shall collect all sums assessed under and by virtue of the provisions of this act, and shall have the same power herein as a collector of county rates. He shall give bond to the company before entering upon the duties of his office for a sum double the amount of taxes assessed, conditioned for the faithful performance of his duties in respect to the collection of said taxes, and for the payment to his successor of any money due from him. He shall settle with the company at its annual meeting next following his appointment, and shall retain five per centum on the amount collected as compensation.

Amount of  
money nec-  
essary.  
How raised.

SECTION 6. That said company, at the meeting to be held on the first Saturday in May, A. D., 1887, shall determine how much money shall be raised for the purpose of cutting and making the ditch or ditches which may be laid out by the commissioners aforesaid; and at the annual meetings to be held thereafter shall also determine how much money shall be raised for the purpose of repairing and cleansing the same, and may do and determine all such matters and things as said company may deem necessary for effectually draining and reclaiming the said lands and low grounds. The said manager or managers shall levy and apportion the sum of money determined by said company to be raised for the purpose aforesaid upon the assessment and valuation of the said lands made by the commissioners and returned by them to the Recorder of Deeds as aforesaid.

Powers of  
company.

SECTION 7. The said company shall have power, at any of the meetings authorized to be held under this act, to elect, by a  *viva voce*  vote, a chairman and a secretary of such meeting or meetings, whose duty it shall be to keep minutes of the proceedings thereof for the time being, which shall be preserved among the records of said company.

*Passed at Dover, April 14, 1887.*

## OF DITCHES.

## CHAPTER 150.

## OF DITCHES.

AN ACT to re-incorporate the Meredith Branch Ditch Company.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch concurring):*

SECTION 1. That the act entitled "An act to incorporate the Meredith Branch Ditch Company," passed at Dover, March 14, A. D. 1867, be and the same is hereby revived and re-enacted, and the said "The Meredith Branch Ditch Company," is hereby vested with all the powers, privileges and franchises contained in and conferred by said act. Act revived

SECTION 2. That the said act hereby revived shall continue in force for the period of twenty years, subject to the constitutional mode of revocation.

SECTION 3. That the names of "Samuel B. Cooper," "Thomas Gooden" and "Ezekiel Clements" occurring in the 1st and 2nd lines of Section 3 of said act entitled "An act to incorporate the Meredith Branch Ditch Company," be and the same are hereby stricken out and that the names "Robert H. Smith," "Amos Cole" and "William H. Anderson" be inserted in lieu thereof, and they are hereby clothed with all the powers and authority contained in said act. Names  
stricken  
and others  
inserted.

*Passed at Dover, April 15, 1887.*

## OF DITCHES.

## CHAPTER 151.

## OF DITCHES.

AN ACT to incorporate the White Marsh Branch Ditch Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring herein):*

That the owners of the low ground, marsh and cripple, situated upon and contiguous to White Marsh Branch, in Kent County and State of Delaware, commencing at the place where the said branch unites with the prong that runs through the land of Wm. Satterfield, Wm. Greenlee, John Cooper and others; thence up said branch to the farm now occupied by Wm. Slaughter near the public road leading from Hollandsville to Reed's Corner, shall compose a company to be called "The White Marsh Branch Ditch Company," and shall hold a meeting on the first Saturday in June next, and on the first Saturday of May in every year thereafter, in the village of Hollandsville, of said county, or at such other place as said company shall determine by a resolution to be adopted at any annual meeting of said company, at which annual meeting said company shall choose by ballot, and a plurality of the votes present, one treasurer, one secretary, and two managers (or more if necessary), and may do and determine all such matters and things as the said company may deem requisite for effectually draining and reclaiming the said low ground, marsh and cripple; and such and every annual meeting of said company may be adjourned from time to time by said company, and occasional stated meetings may be called from time to time by the managers for the time being at such times and places as the said managers may appoint, by giving five days' public notice by advertisements put up at three of the most public places of said neighborhood, or at such other places as the managers for the time being may think advisable, and if the treasurer, secretary or managers shall not, all or any of them, be chosen at the stated or annual meeting for the current year, or for any year thereafter, or any of them shall die, resign, or neglect to act, such vacancy or vacancies may be filled at any adjourned or occasional meeting of said company by ballot and plurality of votes, and if any treasurer, secretary or manager shall remove from the neighborhood and dispose of his interest in

Owners of certain low grounds to compose a company.

Corporate name.

Meetings. Where held

Officers to be chosen by ballot.

Occasional meetings may be called.

Notice.

Vacancies. How filled.

## OF DITCHES.

said low grounds, the said company may at any meeting declare the place of such office vacant and elect another to fill said vacancy. At all meetings of said company every owner of any swamp; or low grounds, rateable and assessed by virtue of this act shall be entitled to cast one vote if present, or absent by proxy, duly attested under their hands and seal, for every one hundred dollars or fractional part thereof assessed to him or her.

Votes, how  
cast.

SECTION 2. *And be it further enacted,* That the treasurer, secretary or managers, chosen in pursuance of this act, at the first meeting of said company, shall continue in office for the term of one year from the time when they shall be so chosen and until successors to them shall be duly chosen; and the same rule shall apply to all officers elected at any meeting other than the said first meeting.

Terms of  
office.

SECTION 3. *And be it enacted,* That Andrew Holden, William A. Dill and James Porter be and they are hereby appointed commissioners to make a valuation of all said low grounds, marsh and cripple, excepting the low grounds drained by the ditch or ditches running through the lowlands of Samuel B. Cooper; and the said commissioners, or a majority of them, are hereby authorized and empowered to appoint and employ a surveyor to make a plot showing the courses and distances of such ditch or ditches as they may think necessary to lay out, and to enter upon all the low ground, marsh and cripple belonging to the said company, and view, examine, ascertain and determine the width and depth and location of one or more ditches and drains necessary and sufficient to drain said low grounds, marsh, and cripple, the quantity held by each owner or owners (if any be held undivided), and shall appraise and determine the benefit and advantage which each owner, or joint owner, as aforesaid, will derive by reason of the cutting and making such ditch or ditches, drain or drains, having regard to the original or unimproved value of the same after the low grounds, marsh and cripple shall be ditched or drained by the ditches or drains of said company so that the said appraisement and valuation may do equal justice to all the owners and possessors of said low grounds, marsh and cripple; and the said commissioners may make all due allowance for any private ditch, ditches, drain or drains that may have been previously cut by individual enterprise, which said commissioners may think proper to use in draining said low grounds; and the said com-

Commissioners.

Surveyor.

Duties.

Certificates  
to be made.

## OF DITCHES.

Certificates  
to be made.

Certificate  
to be re-  
turned to  
the Record-  
er of Deeds.

Evidence.

Must be  
sworn or  
affirmed.

New assess-  
ment may  
be made  
after five  
years.

Shall assess  
lands  
drained.

missioners, or a majority of them, shall make two certificates under their hands, or the hands of a majority of them, containing the names of the respective owners of said low grounds, the quantity held by each owner, or by joint owners, and the appraisements of the benefits, profits and advantages to be derived by each owner as aforesaid of said low grounds, marsh and cripple so by the said commissioners to be made as aforesaid, and shall deliver one of said certificates to the secretary of said company, and shall return the other of said certificates and said plot unto the office of the Recorder of Deeds, in and for Kent County, to be there recorded by the Recorder of Deeds for said county which certificate shall be final and conclusive upon all parties, and shall be and remain in the true appraisement and valuation upon which all and every tax or taxes which may be necessary to effect the purposes of this act shall be assessed, levied and raised, and a copy of the record thereof certified by the said Recorder under his hand and seal of office shall be good and sufficient evidence in all courts of justice, and before all Justices of the Peace in the State. Each commissioner and the surveyor before he enters upon the duties required of him by this act, shall be sworn or affirmed before some judge or Justice of the Peace, in and for Kent County, to faithfully, according to the best of his skill and judgment, exercise the duties assigned him by this act. If either of the said commissioners shall die, resign, refuse, or neglect to act before all or any of the duties assigned the commissioners under this act are performed, the said company may elect another to supply his place, and so as often as it may be necessary until all the duties of the commissioners under this act may be completed.

After five years a new assessment may be had by application of ten or more taxables to any Judge of the State, or to the Chancellor, who is hereby authorized to appoint the commissioners to make said new assessment. Said new assessment when made shall be returned and recorded as the original return and shall stand as the basis of assessment for five years, and until another new assessment shall in like manner be made.

SECTION 4. *And be it further enacted,* That for the purpose of raising the sum of money necessary to carry into execution the purposes of this act, it shall and may be lawful for the managers for the time being and they are hereby authorized and required, after the appraisement and valuation aforesaid shall be made and returned to the secretary and recorder as aforesaid, to lay and assess upon the value of the

## OF DITCHES.

low grounds benefited by said ditches and drains, and mentioned in said certificates, according to and upon the value of the benefits, profits and advantages of the respective quantities or parcels of the low grounds held by the several owners thereof, a certain rate upon each and every dollar of said value, so as to raise a sum of money sufficient to cut and make all the ditches and drains necessary and proper to drain and reclaim all the said low grounds, marsh and cripple intended to be drained and reclaimed by virtue of this act; and at any annual meeting of the company after the said ditch or ditches, drain or drains shall have been cut and made as aforesaid, the said company, by a plurality of votes, may determine by a resolution what additional sum or sums of money ought to be raised by way of tax as aforesaid for the purpose of keeping the said ditch or ditches, drain or drains, in good and sufficient repair, which said additional sum of money shall be levied and assessed according to the provisions hereinbefore mentioned; and the said managers shall from time to time make out duplicate lists under their hands of all the assessments and taxes by them made and levied as aforesaid, which shall contain a minute of all changes of ownership and transfers, if any, of said low grounds, and one of the lists shall be delivered to the treasurer for the time being, and the other shall be delivered to the secretary, and such assessments and lists shall be final and conclusive upon all the parties, and the said lists so delivered to the treasurer shall be a sufficient warrant to him or his successors for levying and collecting all and every sum of money and taxes in said lists mentioned; it shall be the duty of the said managers to cut and open all such ditch or ditches, drain or drains, and prong or prongs of said ditch or ditches as the said commissioners, by their return as aforesaid shall direct to be cut and opened, or cause the same to be done, and cause the same to be kept open and in good repair, and generally the managers shall carry into full effect all the directions of the company, from time to time given to them in relation to their said trust, for which purpose the said managers shall have power to employ such workmen as they may deem necessary to complete the work assigned to them at the common expense of the company, and all the wages and expenses in and about said work shall be paid by orders drawn by the managers on the treasurer; every order shall specify the services, wages or expenses for which it is drawn, and an exact account shall be kept by the managers for all orders drawn by them specifying the services or expenses for which each order was drawn; and said accounts

May also determine what additional sum should be raised.

Shall make duplicate lists.

To be delivered to whom.

Duty of the managers.

Orders to be drawn for work, &c.

Account to be kept.

## OF DITCHES.

Managers  
shall be  
sworn or  
affirmed.

Oaths to be  
recorded.

Treasurer  
shall give  
bond.

shall be laid before the annual meeting of said company as said company may direct. Each manager, before he enters upon the duties assigned him by the requirements of this act, shall be sworn or affirmed before some Justice of the Peace, of Kent County, to perform the same faithfully and impartially, according to the best of his skill and judgment, of which oath or affirmation a certificate of the same under the hand or hands, of the person or persons making it, shall be made and returned to the secretary, to be by him recorded in the books of said company.

SECTION 5. *And be it enacted*, That the treasurer for the time being, and every treasurer for the time being, before he enters upon the duties of his office, shall give bond with approved surety or sureties, by the managers, to and for the use of the company by name, in a penalty to be affixed by the managers for the time being, upon condition to be void if he shall pay all orders drawn on him by the managers for the time being so far as he shall have funds in his hands for that purpose, and shall well and truly account for all money that shall come into his hands as such treasurer at any annual or other meeting of said company, or otherwise, as the said company may direct, and shall pay over any balance or sum that shall be due to his successor in office, and shall perform all the duties of his office with fidelity.

Taxes.  
How col-  
lected.

Treasurer  
shall have  
power to  
collect.

SECTION 6. *And be it enacted*, That the managers, when they lay and assess taxes, shall appoint the time for the payment of the same, and it shall be the duty of the taxables respectively to pay to the treasurer of said company for the time being the sum levied and assessed as aforesaid at the time appointed by the managers as aforesaid for such payment; and in case of negligence or nonpayment as before directed, the treasurer, and every treasurer for the time being, shall have full power and authority to demand and receive, levy and make all and every the tax or taxes which shall be levied and assessed in pursuance of this act by the managers, according to the list of assessment delivered to such treasurer by the said managers in the same manner and in the same mode as is prescribed by law for the recovery of county rates; and every treasurer for the time being shall have power in the same manner to collect all taxes upon any list delivered to any former treasurer at any time within ten years after the same shall have been due and payable, and shall be liable to pay all orders drawn upon him by the managers aforesaid at any time within ten years from the date of said orders or the

## OF DITCHES.

orders drawn as aforesaid upon any former treasurer so far forth as the said treasurer shall have in his hands funds belonging to said company according to the tenor of his bond given to and in the name of said company.

SECTION 7. *And be it enacted,* That the secretary shall procure a certified copy of this act from the Secretary of State, and record the same among the records of said company, and record the certificate to be delivered to him by the commissioner as aforesaid, and record the courses and distances rendered by the surveyor, and the list delivered to him from time to time by the managers, and all other proceedings of said company, which they shall direct to be recorded in a suitable book which said Secretary shall provide for that purpose, and he shall properly file all papers belonging to said company which shall come to his hands, and the same shall be a public record for the company to examine at any time under the supervision of said secretary, and he shall deliver all papers and records of the said company which may be in his hands to his successor in office when demanded, and shall be paid from the treasurer of said company the amount of all fees he may have to pay in procuring the aforesaid copy of this act, and a suitable book in which to record the same, and a reasonable compensation for his trouble in procuring the same; and every secretary for the time being shall receive one cent for every twelve words recorded by him for said company, and every commissioner shall receive two dollars for each day's service, and the managers shall receive one dollar for each and every day's service in which he may be employed about the business of the said company, and every treasurer shall be allowed five per centum on all monies by him collected, except monies paid to him by his predecessor in office, and the surveyor shall receive such compensation for his services as may be allowed to him by the said commissioners. All expenses attending the passage of this act shall be paid by the managers out of the funds of the company by draft upon the treasurer.

Treasurer  
shall pro-  
cure a cer-  
tified copy.

Fees for re-  
cording.

Fees of  
commis-  
sioner and  
treasurer.

SECTION 8. *And be it enacted,* That suits may be brought and prosecuted in the name of the said "White Marsh Branch Ditch Company" upon any bond given to said company, or for any damages done to the ditch or ditches, drain or drains of said company.

Suits.  
How  
brought.

SECTION 9. *And be it enacted,* That if any person or persons shall wilfully fill up or obstruct the ditch or ditches, drain or drains of said company, or shall wilfully obstruct or

Penalty for  
obstructing  
ditch.



## OF DITCHES.

impede the course of the water from running down the same, every person so offending shall be liable to pay to the treasurer of said company, or his successors in office, for the use of said company, the sum of fifty dollars, to be recovered by said treasurer in the same manner and by the same means as rates and taxes are recovered in the foregoing provisions of this act.

Owners  
may drain  
into said  
ditch.

Expenses of  
cutting.  
How paid.

Return of  
proceed-  
ings.

SECTION 10. *And be it enacted,* That every owner of swamps or low grounds ratable and assessed by virtue of this act shall from time to time have the right and privilege to discharge the water from their respective lands into the ditches or drains of the company by ditches or drains to be cut and opened through the swamp or low grounds of other owners or possessors, in such place or places and of such width and depth as the commissioners for the time being shall lay out and prescribe. Such owners or possessors shall contribute such portion of the expenses of cutting, opening and keeping open said ditch or ditches as the commissioners shall direct, to be recovered by the same manner and by the same means as are hereinbefore prescribed for the collection of taxes in section six of this act, and the commissioners so laying out any such ditch or ditches shall make return of all their proceedings in and about the said service to the secretary of said company, to be by him recorded, and such owners and possessors to whom such ditch or ditches will be advantageous, shall pay to each commissioner so employed the sum of one dollar for each and every day's service in laying out said ditch or ditches, and pay to the secretary one cent for every twelve words for recording the same. Every owner shall have free privilege to cut, open and keep in repair any ditch or ditches through his or their own swamp or low grounds into any ditch or ditches of said company.

Election.  
How con-  
ducted.

SECTION 11. *And be it enacted,* That the election to be held under this act, on the first Saturday of next, shall be conducted by and under the government of the commissioners appointed by this act, and they and their successors in office shall be and continue an incorporate company known as "The White Marsh Branch Ditch Company," with all the provisions and authority given them in the several sections of this act, for the term of twenty years from the passage of this act.

Vacancies  
to be filled  
by a plu-  
rality of  
votes.

SECTION 12. *And be it further enacted,* That whenever a vacancy shall occur, by reason of death, resignation, or otherwise, in said Board of Commissioners said vacancy shall

## OF DITCHES.

be filled by a plurality of the votes of taxables present at any annual or stated meeting of said company, and that upon the application of the said before named commissioners or their successors in office, by one or more of the owners of the swamp or low grounds in said neighborhood, the said commissioners, or a majority of them may in their discretion, lay out and direct to be cut and opened, a ditch or ditches, prong or prongs, leading into the ditches of said company that would conduct the water from said low grounds or swamps into the White Marsh Branch.

SECTION 13. *And be it enacted,* That this act shall be a public act and shall be published among the laws of this State; the power to revoke this act is hereby expressly reserved to the Legislature. Public net.

SECTION 14. That the act entitled "An act to incorporate the White Marsh Ditch Company," passed at Dover, March 23, 1869, be and the same is hereby repealed and made null and void. Act repealed.

*Passed at Dover, April 18, 1887.*

## OF DITCHES.

## CHAPTER 152.

## OF DITCHES.

AN ACT to revive, re-enact and extend the act entitled "An Act to enable the owners of the Marsh Meadow, near Newport, called Conrad's Cripple, to keep the banks, drains, and sluices in repair, and to raise a fund to defray the expenses thereof," passed at Dover, February 23, 1865.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch of the Legislature concurring therein, as follows):*

Act extended and revived.

SECTION 1. That the act entitled "An act to enable the owners of the Marsh Meadow, near Newport, called Conrad's Cripple, to keep the banks, drains and sluices in repair, and to raise a fund to defray the expenses thereof," passed at Dover, February 23, 1865, as the same has been modified or amended by the acts of the General Assembly subsequent thereto.\*

SECTION 2. That this shall be a public act.

*Passed at Dover, April 19, 1887.*

\*This act so enrolled.

## CHAPTER 153.

## OF DITCHES.

AN ACT to Incorporate Ingram Branch Ditch Company, in Kent County.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch of the Legislature concurring):*

Corporate name.

SECTION 1. That the owners and possessors of the low grounds, marsh, swamp and cripple situated in Mispillion Hundred, Kent County, State of Delaware, situated upon and contiguous to Ingram's Branch, shall compose a company to be called "The Ingram Branch Ditch Company," for the purpose of effectually draining, ditching and reclaiming the said low grounds, marsh, swamp and cripple.

## OF DITCHES.

SECTION 2. That William Tharpe, James D. Prettyman and Zebulon Hopkins are hereby appointed commissioners who shall view the premises and lay out such ditch or ditches as they may deem necessary for the purpose of draining said low grounds, marsh and cripple. If they think it necessary they may take with them a competent surveyor. They shall make out a plot and return, showing the dimensions, courses and disnces of the ditch or ditches, and if by general delineation, without survey, the bounding lines of the low grounds and of each taxable portion thereof, or of any land benefitted, and the estimated number of acres and the estimated value thereof according to the benefit to be received by each owner as a basis of taxation. The said plot and return shall be lodged in the Recorder's office and be by him recorded. The commissioners and surveyors, if any be chosen, shall be sworn or affirmed to the faithful and impartial discharge of duty. All the commissioners must act, but a majority may decide any matter: In case of a vacancy occurring in the commissioners by death, resignation, or refusal to act, or otherwise, the others or other may fill the vacancy or vacancies.

Commissioners

Surveyor.

Plot and return to be lodged in the office of the Recorder.

Must be sworn or affirmed.

SECTION 3. If any person shall be injured by the making of any such ditch the commissioners shall award such person damages to the amount of such injury, and the same shall be paid or tendered before cutting the ditch. All persons who will be benefitted by said ditch or ditches shall be liable to contribute to the cost of making the same, and to the damages awarded, and the expenses of the proceedings and the recording the same. The commissioners shall determine who will be benefitted and shall apportion the said costs, damages and expenses upon them, according to such benefit.

Damages.

Persons benefitted to contribute.

SECTION 4. If any public road crossed by such ditch will be benefitted so that the public ought to make and maintain a bridge over the same, the commissioners shall so state in their return, and such bridge shall be made and kept up at the public charge.

Certain bridges to be kept at public charge.

SECTION 5. The commissioners shall, within ten days from the making of their return to the recorder, convene the persons liable to contribute to any ditch or improvements embraced therein for the purpose of choosing two managers and a treasurer of the company for one year, and until others shall be chosen. Notice of the time and place of this meeting shall be posted in at least three public places in the neighborhood five days at least before the meeting. The

Time of meeting to choose managers.

Notice.

## OF DITCHES.

managers shall annually thereafter in the same manner call a meeting for the same purpose on the \_\_\_\_\_ of \_\_\_\_\_  
**Manner of voting.** At all meetings the white taxables present shall be entitled to cast one vote for every dollar of tax paid by them respectively.

**Return to remain in force five years.** SECTION 6. The return made by the commissioners shall remain in force for five years as the basis of any subsequent assessment that may be made by the managers for completing, cleansing or repairing the ditch or ditches or other necessary purposes. After five years a new assessment may be had by application of three or more taxables to any judge of the State or to the Chancellor, who is hereby authorized to appoint three commissioners to make said new assessment. Said new assessment, when made, shall be returned and recorded as the original return, and shall stand as the basis of assessment for five years, and until another new assessment shall in like manner be made.  
**New assessments to be recorded in same manner as original returns.**

**Duty of managers.** SECTION 7. That for the purpose of raising the sum of money necessary to carry into execution the purposes of this act, it shall and may be lawful for the managers for the time being, and they are hereby authorized and required, after the appraisement and valuation aforesaid shall be made and returned to the recorder as aforesaid, to lay and assess upon the value of the swamp and low grounds benefited by said ditches and drains, and mentioned in said certificates according to and upon the value of the benefit, profits and advantages of the respective quantities or parcels of the swamp and low grounds held by the several owners thereof a certain rate upon each and every dollar of said value, so as to raise a sum of money sufficient to cut and make all the ditches and drains necessary and proper to drain and reclaim all the said swamps and low grounds intended to be drained and reclaimed by virtue of this act, and at any annual meeting of the company after the said ditch or ditches, drain or drains, shall have been cut and made as aforesaid. The said company by a plurality of votes may determine by resolution what additional sum or sums of money ought to be raised by way of tax as aforesaid for the purpose of keeping the said ditch or ditches, drain or drains, in good and sufficient repair, which said additional sum of money shall be levied and assessed according to the provisions hereinbefore mentioned; and the said managers shall from time to time make out duplicate lists under their hands of all the assessments and taxes by them made and levied as aforesaid, which shall contain a minute of all changes of ownership and transfers of any of said low grounds or swamps, and  
**Company may raise additional sum.**  
**How collected.**

## OF DITCHES.

one of the lists shall be delivered to the treasurer for the time being, and the other shall be delivered to the secretary, and such assessments and lists shall be final and conclusive upon all the parties, and the said list so delivered to the treasurer shall be a sufficient warrant to him or his successors for levying and collecting all and every the sums of money and taxes in said lists mentioned.

Duplicates.  
To whom  
delivered.

SECTION 8. The managers shall proceed to make and open the ditch or ditches laid out and make the other improvements of said branch designated by the said commissioners, and may cleanse and repair the same when necessary, and shall have all needful power for that purpose. They shall keep regular accounts of all expenditures, and render the same to the company at their annual meeting. All payments shall be made by orders drawn by them on the treasurer. Any persons assessed for a tax may discharge the same by work done by direction of the managers, and their certificate shall be received by the treasurer in payment of the tax.

Managers  
shall make  
and open  
ditches.

Payments  
to be made  
by orders.

SECTION 9. The treasurer shall collect all sums assessed as aforesaid, and shall have the same power for making such collection as a collector of county taxes. He shall give bond to the company with surety, to be appropriated\* by the managers, in double the amount of the taxes to be by him collected, conditioned for the faithful performance of his duty and for the payment to his successor of any money due from him. He shall settle with the company at the annual meeting and shall be entitled to retain five per cent of the amount received by him as his compensation.

The treasurer  
shall collect  
all taxes.

Shall give  
bond.

Time of  
settlement.

SECTION 10. Each commissioner and manager shall be allowed and shall be paid by the company one dollar for every day actual expenses in discharge of his duties. The recorder shall be paid one cent for every ten words he may record and two dollars for copying the plot. The surveyor, if any be employed, shall receive two dollars for each day's service on the premises and ten dollars for making the plot and return.

Fees.

SECTION 11. The said company is hereby created and declared to be a body politic and corporate under the name of "The Ingram Branch Ditch Company," and under and by that name shall be able to sue and be sued, plead and impleaded in any court of law or equity in this State, and shall have, possess and enjoy all the rights, incidents and privileges, liberties, franchises, and immunities common to such corporations.

Corporate  
name.

\*So enrolled.

## OF DITCHES.

Penalty for  
obstructing  
ditch.

SECTION 12. If any person shall stop up or obstruct any ditch cut under this act or any improvement made in pursuance of this act, he shall forfeit and pay to the managers who may recover the same in the name of the company and for its benefit as debts of a like amount are recoverable a sum not less than twenty nor more than one hundred dollars.

SECTION 13. The power to revoke this act is hereby reserved to the Legislature.

Acts re-  
pealed.

SECTION 14. That all other acts and laws relating to the said Ingram's Branch be and the same are hereby repealed.

*Passed at Dover, April 20, 1887.*

## CHAPTER 154.

## OF DITCHES.

AN ACT to amend the act entitled "An Act to incorporate the Herring Branch Ditch Company."

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch thereof concurring:)*

Act amend-  
ed.

SECTION 1. Amend by striking out in section 6 and in line 17 the word March and inserting the word May in lieu thereof.

*Passed at Dover, April 22, 1887.*

## OF RAILROADS.

## CHAPTER 155.

## OF RAILROADS.

A further additional supplement to the act entitled "An Act to incorporate the Delaware Railroad Company."

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assemblymet, (two-thirds of each branch of the Legislature concurring,) as follows:*

SECTION 1. That it shall be lawful for the Delaware Railroad Company, and it is hereby expressly authorized and empowered to purchase of and from the Philadelphia, Wilmington and Baltimore Railroad Company, and the said last named corporation is likewise hereby authorized and empowered to sell and convey unto the said first mentioned corporation, all and so much of its line of railroad in the county of New Castle and State of Delaware as lies between the northern terminus of the Delaware railroad at the point formerly known as Rodney Station, and the main line of railroad of the said The Philadelphia, Wilmington and Baltimore Railroad Company at the point now or formerly known as "Delaware Junction," including all real estate, rights of way, stations, station grounds, rails, ties, bridges, switches, sidetracks, and all other property and appurtenances used or intended to be used as a part of, or in connection with that portion of the line of railroad hereby authorized to be sold, and which the said The Philadelphia, Wilmington and Baltimore Railroad Company became seized and possessed of by the merger into it of the franchises and property of "The New Castle and Wilmington Railroad Company" and "The New Castle and Frenchtown Turnpike and Railroad Company," respectively, effected under and by authority of the act entitled "An act providing for the merger of 'The New Castle and Wilmington Railroad Company'" into "The Philadelphia, Wilmington and Baltimore Railroad Company," and also for the merger of the New Castle and Frenchtown Turnpike and Railroad Company into the Philadelphia, Wilmington and Baltimore Railroad Company, passed at Dover, February 22, 1877. It being the purpose and intent that this section shall apply only to the railroad real estate and appurtenances which became vested in The Philadelphia, Wilmington and Baltimore Railroad Company by the merger aforesaid, when the sale shall have been consummated by the delivery of the deed as hereinafter provided, the said

Delaware  
Railroad  
Company  
authorized  
to purchase  
from P. W.  
& B. R. R.  
a certain  
line of road,  
&c.



## OF RAILROADS.

Title to property acquired, vested in the Delaware Railroad Co.

The Delaware Railroad Company shall thereby acquire all the title to the property sold which the said corporation vendor had therein. And the same shall thereupon become and be part and parcel of the property of the said "The Delaware Railroad Company," and shall become and be merged and consolidated into and with its other property, so that the said last named company shall have, enjoy and be possessed of all the rights, franchises, powers and privileges respecting the same which were possessed and enjoyed by the corporations respectively owning the same prior to the acquisition thereof by The Philadelphia, Wilmington and Baltimore Railroad Company or which were by it possessed and enjoyed after its acquisition thereof; and so also as that the said "The Delaware Railroad Company" shall have, enjoy and be possessed of all the rights, franchises and property to be by it acquired under this act as fully and completely as if the said property and franchises had been acquired under its charter.

Shall have powers and enjoy all the franchises.

Terms of sale when agreed upon to be submitted to the stockholders.

SECTION 2. That when the terms of the sale authorized by the preceding section shall have been agreed upon by the officers and approved by the Boards of Directors of the said two companies respectively, the same shall be submitted to a special meeting of the stockholders of each of said companies for ratification or rejection; such meetings shall be called by notices published in one daily newspaper published in the city of Wilmington for at least ten days before the day of holding of each of said meetings respectively; and the said meetings shall \* held in the said city of Wilmington at the time and place designated in such notices. If at such stockholders' meetings a majority of the whole number of the shares of the capital stock of each of said companies shall be voted in favor of a resolution approving the terms of sale and directing its consummation, then a deed under the corporate seal of the said "The Philadelphia, Wilmington and Baltimore Railroad Company," signed by its president, attested by its secretary and duly acknowledged according to the laws of the State of Delaware conveying and granting unto the said "The Delaware Railroad Company," its successors and assigns, all the real estate, right of way and other property mentioned in section 1 of this act, and the franchises incident thereto, and to be exercised therewith, shall upon payment of the price stipulated, be delivered to the said last named company; and thereupon by force of the said sale and deed, the said real estate, rights of way and other property mentioned in section 1 of this act, together with the franchises incident

Deed. When to be made.

What shall be conveyed.

\*So enrolled.

## OF RAILROADS.

thereto, and to be exercised therewith, shall immediately vest in and absolutely belong to the said The Delaware Railroad Company, its successors and assigns as provided by the preceding section of this act. The said deed shall be lodged in the office of the Recorder of Deeds in and for New Castle County for record within ninety days from the date of its delivery; and the said deed, or the record thereof, or a certified copy of such record shall be conclusive evidence of such sale and conveyance, and also that all the antecedent conditions to its delivery by this act prescribed, have been fully observed and complied with.

SECTION 3. That in addition to the powers in that behalf possessed by it under existing legislation it shall and may be lawful for the said The Delaware Railroad Company, and it is hereby expressly authorized and empowered to locate, <sup>May construct and operate a branch railroad.</sup> construct, maintain and operate a branch railroad of one or more tracks, to commence at a point on its main line of railroad at or near the town of Dover, and run thence by the most feasible and desirable route to be determined by its directors to a point on the line of railroad of the Delaware, Maryland and Virginia Railroad Company, either in Kent <sup>Location.</sup> or Sussex County, at or near the town of Milford; and for that purpose to purchase, hold and use, or enter upon, take and appropriate all such land and materials as may be necessary; <sup>Proviso.</sup> *Provided* that before the said company shall enter upon or take possession of any such land and materials it shall make ample compensation to the owner or owners thereof, or parties interested therein; the amount of such compensation to be ascertained either by agreement with the parties or by proceedings for condemnation. For the purpose of the condemnation of such land and materials as may be needed by the said company, either for the location and construction of the branch hereby authorized or for the location and construction of an additional track or siding on its main line of railroad, as well that which it now owns as that which it may acquire either by purchase or consolidation under this act, <sup>Rights and powers.</sup> the said The Delaware Railroad Company shall have, exercise and be possessed of all the rights, powers and remedies which are specified and provided in and by section 2 of the act of the General Assembly passed February 24, 1853, entitled "A supplement to the act entitled An Act to incorporate the Delaware Railroad Company," passed February 22, 1849.

SECTION 4. That the said, the Delaware Railroad Company, be and it is hereby expressly authorized and empowered, <sup>May issue bonds.</sup>

## OF RAILROADS.

either at one time or from time to time, as and when its directors shall deem necessary for the purposes of the said company, to make, issue and dispose of its bonds (which may or may not at the pleasure of the company be converted into the capital stock thereof at its par value) to such an amount as may be deemed necessary for the said company's purposes.

*Provido.* *Provided, however,* that the total amount of the bonded debt of the said company, as well that now existing as that which may be created under the authority of this act shall not exceed two millions of dollars. The said bonds shall bear interest at

*Rate of interest.* a rate not greater than six per centum per annum, and the said company is authorized and empowered to make execute, acknowledge and deliver to a trustee or trustees a mortgage or mortgages of all the property and franchises of the said company of every kind, nature and description (as well as that now owned and possessed by it as that which may be acquired or constructed under the authority of this act) to secure the payment of the said bonds, principal and interest according to their tenor. The said bonds may be guaranteed

*May be guaranteed.* by the Philadelphia, Wilmington and Baltimore Railroad Company on such terms and conditions as may be agreed upon between the two companies, and the power and authority to guarantee the same is hereby conferred upon the said last mentioned company, but they may be issued without such guarantee; *provided, however,* that any mortgage to be executed under the authority conferred by this section shall be subordinate in its lien to any mortgage now existing upon the franchises and property of the Delaware Railroad Company, the franchises and property of either of the several railroad companies authorized to be consolidated by Section 5 of this act.

*Lawful to consolidate with certain companies.*

SECTION 5. That it shall and may be lawful for the Delaware Railroad Company at any time to consolidate and form a union with the following companies, or any one or more of them, to wit: "The Delaware and Chesapeake Railway," "The Cambridge and Seaford Railroad Company," "The Queen Anne and Kent Railroad Company" and "The Delaware, Maryland and Virginia Railroad Company," in the same manner, subject to the same limitations, conditions and restrictions, and with the like effect as stipulated and provided in Sections 1 and 2 of the act entitled "An act to authorize the Delaware and Chesapeake Railway to consolidate and form a union with "The Philadelphia, Wilmington and Baltimore Railroad Company," passed at Dover, February 1, 1883, and said Sections 1 and 2 of said last mentioned act

## OF RAILROADS.

shall be applicable to the consolidation and union by this section authorized as fully and completely as if the same had been herein enacted in *totidem verbis*; except, however that the consolidation and union by this act authorized may be effected at one time with all, or at different times with either of said companies; and except further that no debts of any of the said companies so authorized to be consolidated, nor any mortgage or mortgages, or other liens upon the property of either of the said companies shall be in anywise affected, impaired, altered or changed by reason of such union or consolidation, nor shall the liability to taxation of either of the said companies, as the same is now provided by law be thereby altered and changed; but on the contrary each of said companies so consolidated shall be deemed and taken in existence for the purposes of enforcing the payment of any such debt, mortgage or lien, and responding to such liability for taxation; and all legal remedies for enforcing the same are hereby preserved against each of the said companies so consolidated; and such remedies may be pursued against each of them respectively as fully to all intents and purposes as though no such consolidation had been effected. And in any suit or proceedings against either of said companies so consolidated, service of process or demand made upon any director of the consolidated company shall be a valid and sufficient service upon the company so sued or proceeded against. The company created by any such union and consolidation as is by this act authorized shall be known as "The Delaware Railroad Company," and that shall be its corporate name and title, and the said The Delaware Railroad Company, as well after as before any such consolidation shall have been effected shall have power and authority to make and enter into any agreement with the Philadelphia, Wilmington and Baltimore Railroad Company for the equipment, maintenance and operating by the said last mentioned company of any such additional lines of railroad and other property as it may acquire either by purchase, construction or consolidation authorized by this act in the same manner and with the like effect as is now provided by law for the equipment, maintenance and operation of its present line of railroad.

Mortgages  
or liens not  
affected.

Service.  
How made.

SECTION 6. That when and as union and consolidation shall be effected under authority of this act the said The Delaware Railroad Company shall have power from time to time to increase the number of its directors. *Provided, however,* that the number of such directors shall not exceed

Number of  
directors  
increased.

## OF RAILROADS.

eighteen, and that at least ten thereof shall be residents of this State and be apportioned to the several counties as now provided by law.

Shall not  
limit or re-  
strict any  
of the  
franchises  
possessed  
by said  
company.

SECTION 7. That nothing in this act contained shall be so construed as in anywise to limit, restrict or impair any of the rights, powers, franchises and privileges which the said company is possessed of under any act of the General Assembly of this State. This act shall be a public act, and power to revoke the same for any abuse or misuse of the privileges hereby granted is reserved to the Legislature.

*Passed at Dover, April 13, 1887.*

## CHAPTER 156.

## OF CITIES AND TOWNS.

AN ACT to amend Section 5, Chapter 126, Volume 14, Laws of Delaware.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, two-thirds of each branch thereof concurring:*

Section 5,  
Chapter 126,  
Volume 14,  
amended.

SECTION 1. That section 5 of chapter 126, volume 14, Laws of Delaware, be and the same is hereby amended by inserting in the thirty-first line, between the words "hundred and dollars," the words "and fifty."

*Passed at Dover, February 8, 1887.*

## OF CITIES AND TOWNS.

## CHAPTER 157.

## OF CITIES AND TOWNS.

AN ACT to authorize "The Mayor and Council of New Castle" to borrow Five Thousand Dollars (\$5,000,) for the Purpose of Buying a Steam Fire Engine, &c.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch concurring therein):*

SECTION 1. That (for the purpose of buying a steam fire engine and all the apparatus, fixtures and paraphernalia incident to and connected therewith, for the use and benefit of the City of New Castle,) "The Mayor and Council of New Castle" shall be and they hereby are authorized and empowered to borrow upon the credit of the said city such sum or sums of money as may be deemed necessary not exceeding in the aggregate five thousand dollars, (\$5,000,) and for that purpose may issue certificates of indebtedness of such denominations or amounts in such form and bearing such rate of interest not exceeding the legal rate as the said "The Mayor and Council of New Castle" may deem expedient and proper. The said certificates of indebtedness shall all bear the same date, and should the whole sum of five thousand dollars be borrowed as aforesaid, it shall be due and payable in the following proportion and manner, that is to say, one thousand dollars thereof on or before the expiration of one year from the dates thereof; one thousand dollars on or before the expiration of two (2) years from the dates thereof; one thousand dollars on or before the expiration of three (3) years from the dates thereof; one thousand dollars on or before the expiration of four (4) years from the dates thereof; one thousand dollars on or before the expiration of five (5) years from the dates thereof. If a less sum than five thousand dollars should be borrowed under the provisions of this act it shall be due and payable in the same proportions and times as above specified, that is to say: *One-fifth* of the whole amount or sum, each and every year as aforesaid, so that the entire sum borrowed may be satisfied and paid in five years from the dates of the said certificates of indebtedness. The interest upon the said loan may be paid annually or semi-annually, as the Mayor and Council of New Castle may deem expedient.

Any and all sums of money borrowed as aforesaid shall be paid over to the treasurer of the said City of New Castle, to be

Mayor and Council authorized to borrow a sum of money not exceeding \$5,000. May issue certificates of indebtedness.

Date.

How payable.

Less sum. How due and payable

Interest may be paid. How.

## OF CITIES AND TOWNS.

drawn out and used by "The Mayor and Council of New Castle" for the purpose of the said purchase or purchasers.

May raise  
by taxation  
sums suffi-  
cient to pay  
principal  
and interest  
when due.

SECTION 2. In order to provide for the payment of both the principal and interest of said certificates of indebtedness, as the same shall respectively become due and payable, the City Council of New Castle shall raise *annually*, by taxation of the persons and property within the limits of said city, (according to the provisions of the act entitled "An act to incorporate the City of New Castle," passed at Dover, February 25th, 1875, and any supplement or supplements thereto in regard to the assessment and collection of taxes within said city) such sum as may be necessary for the purpose of paying both the principal and interest, as they shall become due and payable in each and every year.

This tax is to be in addition to and augmentation of, any other tax, now or hereafter to be assessed or collected by the said City Council of New Castle.

May take  
additional  
security.

SECTION 3. That "The Mayor and Council of New Castle" shall be authorized to demand and take from the treasurer and the collector of taxes of the said city of New Castle such additional security as they shall deem proper to secure the city against any loss which might or could occur under any of the provisions of this act. And upon the failure to give such security to appoint others in their places.

Surplus.  
How used.

SECTION 4. That if there should be any surplus of the money authorized to be borrowed by this act remaining in the hands of the treasurer of said city of New Castle after the purposes of this act are fully accomplished, it shall be used exclusively for the benefit, improvement and general management of the fire department of said city.

SECTION 5. This shall be deemed and taken to be a public act.

*\*Adopted at Dover, February 10, 1887.*

*\*So enrolled.*

## OF CITIES AND TOWNS.

## CHAPTER 158.

## OF CITIES AND TOWNS.

AN ACT to authorize the Commissioners of the town of Middletown to borrow money and erect water works.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, two-thirds of each branch thereof concurring therein:*

SECTION 1. That "The Town Commissioners of the town of Middletown" shall have power and authority under and by virtue of an ordinance to be passed by the said commissioners, to borrow on the faith and credit of said town a sum of money not exceeding fifteen thousand dollars, and which shall be applied, appropriated and expended for the purpose of supplying said town with water; the said commissioners shall also have authority to issue bonds therefor, of such denominations as they shall deem best, bearing interest at a rate not exceeding six per cent per annum, payable semi-annually; the principal of such bonds shall be made payable at such time or times not less than ten years nor more than twenty years from the date thereof, and in such manner as shall be prescribed by the said commissioners. The form of said bonds shall be prescribed by the said commissioners, and shall be signed by the President of the said "Town Commissioners" and the treasurer of said town, and sealed with the corporate seal of said town, and shall be exempt from all taxation.

Commissioners may borrow \$15,000.  
May issue bonds.  
Rate of interest.  
Principal. When payable.  
Bonds. How signed.

SECTION 2. That the treasurer of said town, in addition to the security he is now required by law to give, shall give security for the proceeds of the aforesaid bonds, which said proceeds shall be kept separate from the other funds of said town and shall be subject to draft as hereinafter mentioned.

Treasurer shall give additional security.

SECTION 3. That Henry Clayton, George W. W. Nau-dain, Martin B. Burris, John H. Parvis, and Gideon E. Hukill, be and are hereby appointed "Water Commissioners," who with the proceeds of the bonds aforesaid are hereby authorized and empowered to erect water works and lay pipes to supply the said town with water, and whenever it shall be necessary or expedient for the said commissioners to acquire land for any purpose connected with said water supply, and such land cannot be acquired by agreement with the owner or owners thereof and the said commissioners, the same may be taken for the purpose aforesaid, in the name of the said town

Commissioners.  
Land. How acquired.



## OF CITIES AND TOWNS.

in the same manner and subject to the same conditions and proceedings as are now prescribed by law in relation to the said "Town of Middletown" for condemning and taking land for the purpose of laying out, opening, extending or widening any street, road, square, lane or alley in said town.

Commissioners  
authorized  
to draw  
upon the  
treasurer

SECTION 4. That the said "Water Commissioners" shall have authority, from time to time, to draw upon the treasurer aforesaid of the money borrowed as aforesaid, sufficient to meet the cost of the said water works, and upon the completion of the said works, shall make a proper delivery of the same with all the appurtenances to the said "Town Commissioners" of said town and shall render to the said "Town Commissioners" a just and full account of their receipts and expenditures in the construction of the said water works; the compensation of all of the "Water Commissioners" shall not exceed in the aggregate the sum of five hundred dollars.

Vacancies.  
How filled.

SECTION 5. That if any vacancy shall occur in the said board of "Water Commissioners" by death, resignation, removal from the town, or otherwise, the remaining members shall fill such vacancy by the appointment of a taxable citizen of said town.

Duties of  
the com-  
missioners

SECTION 6. That the "Town Commissioners" aforesaid shall have authority to employ proper persons to operate said water works, and shall fix their compensation by ordinance; and in like manner shall fix the rent or rents which private consumers of water shall pay, and shall have all the powers to collect such rents, as collectors of county taxes now have, to collect such taxes.

Town meet-  
ing to be  
called.  
When.

SECTION 7. That before the preceding provisions of this act shall go into effect, it shall be the duty of the said "Town Commissioners" within thirty days after the passage of this act, to call a town meeting, upon ten days notice, and at such meeting the borrowing of the said sum of fifteen thousand dollars as aforesaid, shall be approved by a majority of the votes cast thereat; every resident of said town, who shall have paid a "town tax" for the year in which such meeting is held, or for the preceding year, shall have the right to cast one vote for every dollar and every fractional part of a dollar of "town tax" aforesaid by him or her paid.

Chapter 189,  
Volume 1,  
Laws of  
Delaware  
repealed.

SECTION 8. It is herein provided that Chapter 189, Volume 1, Laws of Delaware, is hereby repealed, being an act to enable the town of Middletown to borrow money for water purposes.

*Passed at Dover, February 10, 1887.*

## OF CITIES AND TOWNS.

## CHAPTER 159.

## OF CITIES AND TOWNS.

A SUPPLEMENT to the act entitled "An act to allow the Commissioners of the Town of Smyrna to issue bonds for certain purposes," passed at Dover, March 16, 1885.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch concurring therein):*

SECTION 1. That the Commissioners of the Town of Smyrna be and they are hereby vested with full power and authority to issue bonds of the town of Smyrna to an amount not exceeding eight thousand dollars, and of such denominations as they shall deem proper. Said bonds shall be made payable at such times and places as the said commissioners shall provide by ordinance. The rate of interest thereon shall not exceed six per centum per annum, and payable semi-annually from the date thereof, and represented by coupons attached thereto. The form of said bonds shall be prescribed by the said commissioners, which shall be signed by the President of said Commissioners and the Treasurer of said Town of Smyrna, and sealed with the corporate seal of said town and shall be exempt from State, county and municipal taxation. As the coupons and said bonds are paid the same shall be cancelled in such manner as the said commissioners shall direct.

Commissioners may issue bonds to an amount not to exceed \$8,000.

Rate of interest.

Bonds. How signed

Exempt from taxation.

SECTION 2. That the money realized or borrowed under this act shall be used and appropriated only for the purpose of extending the water mains in said town, and putting in an additional boiler and pumps at the water works, and of doing whatever may be deemed necessary to increase the efficiency of the water works of the said town of Smyrna.

Money borrowed to be used for what purposes.

SECTION 3. That the said commissioners of the town of Smyrna are hereby authorized and required to levy upon all the assessable real estate in said town of Smyrna annually a tax sufficient to pay the accruing interest on said bonds, and also to levy upon said real estate of said town of Smyrna annually such further tax as shall be deemed necessary to increase the sinking fund authorized by the act to which this is a supplement to such an amount as will make it adequate to the payment and redemption of the bonds issued under this act as well the bonds issued under the act to which this is a supplement.

May levy and collect an additional tax.

## OF CITIES AND TOWNS.

Faith of  
town  
pledged for  
payment.

SECTION 4. That the faith of the said town of Smyrna is hereby pledged for the payment of the bonds authorized to be issued under this act.

*Passed at Dover, February 25, 1887.*

## CHAPTER 160.

## OF CITIES AND TOWNS.

## AN ACT to incorporate the town of Wyoming.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Time and  
place of  
holding an  
election for  
commis-  
sioners.

How com-  
missioners  
are chosen.

Who may  
vote.

That James Montague, Caleb Jackson and Carroll S. Fisher, resident freeholders of the town of Wyoming, in Kent County, be and they are hereby authorized and directed to hold an election at some suitable place in said town by them chosen for that purpose, from 2 till 4 o'clock P. M., on the first Monday in March, A. D. 1887, for the purpose of choosing by ballot three commissioners for said town who shall be residents and have a freehold therein; and they, or a majority of them, may select other persons, residents and freeholders, to assist them in conducting said election. At said election the person having the highest number of votes shall be declared elected a commissioner for three years; the person having the next highest number of votes shall be declared elected a commissioner for two years; and the person having the next highest number of votes shall be declared elected a commissioner for one year, and until their successors be duly elected and qualified. At every subsequent election to be held from 2 till 4 o'clock P. M., on said first Monday in March annually, there shall be elected one commissioner to serve for a term of three years as a successor to the commissioner whose term of office then expires, and shall likewise elect to supply vacancies of unexpired terms occasioned by death, resignation, removal beyond the town limits, or otherwise. All male citizens and every taxable feme soul therein, being twenty-one years of age and upwards, and having paid all town taxes

## OF CITIES AND TOWNS.

assessed against them are hereby privileged to vote at all town elections in person or by proxy. All elections shall be duly advertised by notices posted in 5 of the most public places in said town at least 5 days previous to the day of holding the same, stating the place, day and hour of such election. Such notices signed by either the persons authorized to hold said first election, and by any one of the commissioners, or by the town clerk by authority of said commissioners, or any one of them, for subsequent elections shall be sufficient notice.

Notice of  
election.  
How given.

The commissioners, or a majority of them, shall as soon after all elections as conveniently may be, appoint an Alderman, Town Constable, Assessor, Treasurer, and such other officers as they may deem necessary to serve for the term of one year each, and until their successors be duly appointed and qualified. The Commissioners, Alderman, Town Constable, Assessor and Treasurer shall severally be sworn or affirmed to the faithful and impartial performance of their respective duties and undertakings according to the best of their skill and judgment, respectively.

Commis-  
sioners may  
appoint  
officers.

Shall be  
sworn or  
affirmed.

The said commissioners may qualify each other and the several officers appointed by them, and any and all other persons when necessary by administering a proper oath or affirmation suited to the case. The certificates of such qualifications shall, after being duly administered as aforesaid, be recorded in a town book procured by the commissioners for that and other purposes, stating the names, time and for what purposes such persons are so qualified, and shall be subscribed by the person administering such oath or affirmation, and the same shall be evidence in all cases.

Certificates  
to be re-  
corded.

The said treasurer shall be the receiver and collector of all taxes and all other moneys due or belonging to said town, and subject to be drawn upon at any time by the commissioners or a majority of them for the uses of said town, and such orders so drawn when fully paid by the said treasurer shall be to him a sufficient voucher *pro tanto* for all payments so made. The said treasurer, if required, shall give to the said commissioners, or a majority of them, bond and security sufficient in amount, conditioned for the faithful performance of all and every his duties and undertakings, and the payment and delivery to his successor when duly installed and qualified of all moneys, books, papers and other things or effects in his care and keeping, or with which he may properly be chargeable. The assessor, treasurer and town clerk shall receive a reasonable compensation for their respective services to be allowed

The treas-  
urer to be  
the col-  
lector.

Treasurer  
shall give  
bond.

## OF CITIES AND TOWNS.

by the commissioners, but no allowances shall be made for personal services rendered in conducting any election.

Corporate  
name.

SECTION 2. *And be it further enacted,* That the commissioners first elected under this act, be and they are hereby created a body politic and corporate in law, and they and their successors shall be able to sue and be sued, plead and be impleaded in all courts of this State by the corporate name of "The Commissioners of Wyoming," and may purchase, take, hold and enjoy lands and tenements in fee or for other estate, and also goods, chattels, rights and credits, and may alien, grant, sell, bargain and convey the same or any part thereof as they or a majority of them may deem proper, and may do any and all other acts which a corporation may or can lawfully do so as fully and effectually to carry into operation and secure the aim and purposes of this act.

Limits and  
boundaries.

SECTION 3. *And be it further enacted,* That the bounds and limits of the said "Town of Wyoming" shall be as follows: Commencing on the north side of the public road leading from Camden to Kent County Almshouse where the western boundary line of lands of Joseph Jenkins touches said road, and running thence with said western boundary line in a northerly direction to the run of a branch; thence with the run of said branch and the middle or channel of an arm of William P. Lindale's mill pond to a point in the middle of the mouth of said arm of said mill pond where said arm of said pond joins the main body of said mill pond; thence by a right line crossing said mill pond a short distance above the mill dam to a point on the north side of said mill pond near the entrance to William P. Lindale's mill race; thence along the north side of said mill race and the lines dividing William P. Lindale's mill property from lands of Daniel P. Barnard until arriving at the public road leading from Wyoming to the Dover and Hazlettville road; thence along the west side or border of the last aforesaid road until arriving at a point in the center of Lindale's mill stream; thence with said mill stream following the several meanderings thereof in the direction of the Howell mill pond to a point in the headwaters of said Howell pond in range with the eastern boundary line of lands of William Platt's, formerly lands of William B. Harris; thence with said eastern boundary line or lines to the public road leading from Wyoming to the Camden and Dover road; thence along the north side border of the last aforesaid road in the direction of Wyoming until arriving at a point in range with the eastern

## OF CITIES AND TOWNS.

boundary line of lands of Samuel Lewis; thence crossing the last aforesaid road and following the said eastern boundary line of said Samuel Lewis to another public road or street leading eastward into Camden and called "Center Street;" thence along the north or border of the last aforesaid road in the direction of Wyoming to the southwest corner of lands of said Samuel Lewis; thence in a southwesterly direction along the east side or border of a public road, being along and upon a thorn hedge which forms the western inclosure of lands of Prince N. Coldwell, deceased, until arriving at a point on the south side of the public road leading direct from Wyoming into Camden; thence along the south side of the last aforesaid road to a point therein in range with the eastern boundary line of lands of John Wesley Jackson; thence running in a northerly direction crossing the road leading thence to Kent County Almshouse to a point on the opposite side of said road where the roads thence to Wyoming and to Kent County Almshouse intersect; thence running along the northwest and north side or border of the road leading to said almshouse until arriving at the place of beginning. The commissioners elected at any of the said town elections, or a majority of them, may at any convenient time cause a survey and plot of the said town to be made showing the boundaries thereof, the roads, streets, avenues, ditches and water ways therein, and the widths of all the said ways named in fact from the curbing or border of the one side to the other thereof, and also the widths of the several sidewalks thereof so far as they shall deem proper, and the said plot when completed and adopted by the commissioners shall be recorded or otherwise folded in the proper town book, and all the said ways so marked as aforesaid shall, when so recorded or folded in said town book, be deemed and taken as the public roads, streets, avenues and ways of said town, and be thence worked, improved and controlled exclusively by said commissioners, and the said commissioners in directing the survey and plotting the said town, may if they shall deem any of the streets, avenues or lanes and ways already opened and used unnecessary, or unreasonably burdensome and expensive, to vacate the same or any part or parts thereof, in which case the same shall not be marked and represented on said plot except by dotted lines and the word "vacated" thereon marked on which vacated ways no part of the town moneys shall be expended for any purposes whatsoever.

Shall cause  
a survey  
and plot to  
be made.

What to  
contain.

Commis-  
sioners  
may vacate  
streets.

SECTION 4. *And be it further enacted,* That on the

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Levy Court  
shall an-  
nually  
make ap-  
propriation.

How to be  
expended.

passage of this act, the Levy Court of Kent County shall for the present year, 1887, and yearly thereafter, appropriate a sum of money not less than one hundred dollars, and shall make an order for the payment of the same to the commissioners of said town to be by them expended on the roads, streets and avenues thereof, and said commissioners shall annually account to said Levy Court for the money so appropriated in the same manner as overseers of public roads are required to account.

May locate,  
lay out and  
open streets

May make  
compensa-  
tion.

SECTION 5. *And be it further enacted,* That the commissioners, or a majority of them, when they shall deem necessary for public convenience are hereby authorized and empowered to locate, lay out, open and make any new road, street, lane, avenues, side-walk, ditch or water-drain within said town, allowing to the several owners or holders of any lands affected thereby, such just and reasonable compensation as they as a majority of them shall deem just and proper, having due regard for all benefits and injuries, public and private consequent thereupon, and any and all awards or allowances for any lands so taken or appropriated for public uses as aforesaid shall be well, duly and fully paid to the person or persons severally entitled thereto before the same or any part thereof, shall be so taken and appropriated to public uses.

Owner may  
appeal from  
award with-  
in ten days.  
Proceedings  
upon ap-  
peal.  
How taken

Appeal  
Board.  
How chosen

SECTION 6. *And be it further enacted,* That if any owner or holder of any lands effect\* by any doings or proceedings under Section 5 of this act shall feel aggrieved or be dissatisfied therewith, he, she or they may within ten days after the awards of the commissioners under said Section 5, appeal therefrom; and in order to prosecute such appeal shall within said ten days apply to the alderman of said town or to the nearest justice of the peace in Kent County who shall thereupon select and write down on a list the names of nine impartial freeholders of said county, four of whom shall be residents of said town, and five of whom shall reside without the limits of said town and thereupon give immediate notice to the commissioners of his doings and the purposes thereof and of the place, day and hour, not exceeding ten days from the day of such notice, when the commissioners and the appellants or some of them in the name and behalf of all of them, appellants and respondents, shall appear before said alderman or justice, where and when the respondents shall strike out one of the names selected by the said alderman or justice and the appellants shall strike out one other of

\*So enrolled.

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said names, and so on alternately until four of said names shall have been stricken out, and such striking of names shall be so confined and regulated as to leave two of the remaining names residents of said town and three of them residing without said town limits who shall be constituted a final "Appeal Board" with plenary power and authority to settle and determine any and all matters in controversy between the appellants and respondents. In case the said appellants or respondents or any of them shall fail, neglect, or refuse to be and appear before the said alderman or justice, or appearing, fail, neglect or refuse to act in his, her or their behalf, then it shall be lawful for the said alderman or justice without further delay to name and select such person or persons as he may think proper to act for and on the behalf of such defaulting person or persons in the manner aforesaid so as to secure such "Appeal Board." Any party, appellant or respondent, or any one person of either of them may at any time within fifteen days of the time of securing such "Appeal Board" and upon due notice to all other persons concerned in interest or duty, call out the said "Appeal Board" who after being first sworn or affirmed to faithfully and impartially perform the duties required of them according to the best of their skill and judgment respectively, proceed to make due inquiry concerning all matters in controversy, and shall hear the allegations of the parties and their proofs, and after maturely deliberating thereupon, shall proceed and do and perform all and whatsoever to them or a majority of them shall seem, meet and proper, and their doings shall within twenty days of the day they are called to act be reported to the said commissioners in writing, giving in said report every matter and measure which they of right ought to give and render. And if need be, the said "Appeal Board" may call to their assistance a surveyor and cause a survey and plot of any lands affected by their doings to be made, and append such plot to their report as part thereof, and shall in such report return the damages assessed, if any, to whom, and the amount to each person. If any member of said "Appeal Board" shall neglect or refuse to act in any case when so chosen, in whole or in part, he shall forfeit and pay to the commissioners for the use of the town, the sum of five dollars, to be recovered by action before the alderman as debts of like amount are recovered before a justice of the peace of Kent County with costs. And if the report of said Appeal Board shall be substantially the same, and the damages or awards shall be the same, as the doings and damages and awards of

Upon failure to appear, duty of Alderman or Justice.

Board shall be sworn or affirmed.

Shall report doings to the commissioners.

May have a survey and plot made.

Penalty for refusal to act.



## OF CITIES AND TOWNS.

Costs of  
appeal.  
How borne.  
Award.  
How paid  
in certain  
cases.

Compensa-  
tion.

the commissioners under Section 5 of this act, the costs of such appeal shall be borne by the appellants equally, otherwise by the town. If any person entitled to any damage or award under this act be a minor, non-resident or in any way incapacitated to take the same or refuse to take and receive the same, such damage or award may be deposited in any bank in Kent County to the credit of such person so entitled, and such deposit shall in all cases operate as payment. The said "Appeal Board" and the surveyor if any, shall be paid a reasonable compensation for their services.

May make  
ordinances  
and by-  
laws.

SECTION 7. *And be it further enacted,* That full power and authority is hereby conferred upon the Town Commissioners and their successors in office to make all needful ordinances and by-laws at the annual or any of the quarterly meetings to be held in said town, requisite to secure good government to regulate said town and the conduct of all persons therein, to define nuisances, and what are obstructions to the roads, streets, avenues, passes, side-walks, ditches or water drains therein, and to regulate the travel upon said ways, roads and avenues, and to provide against improper gatherings and assemblages of persons to the fear and terror of the citizens, and of all noisy and turbulent gatherings whatsoever, and for the suppression, discontinuance or removal of all dangerous chimneys or stove-pipes, or other dangerous and unsightly objects, sports or practices calculated to create fear and dread in near neighbors or others, and to fix adequate fines and forfeitures or for any violations of any such ordinances or by-laws made and established by the commissioners and to provide any and all proper remedies, means and processes requisite to carry into effect and all and every the aims, objects and purposes of this act.

Time of  
meeting.  
When held.

Purpose of  
said meet-  
ing.

SECTION 8. *And be it further enacted,* That there shall be held in such place within said town as the commissioners shall select on the first Monday next after every election a town meeting, organized and conducted by said commissioners, at which all tax payers may attend for the purpose of settlement of all accounts of the then past year, and for determining by the commissioners the amount of money to be raised by tax for the ensuing year not exceeding three hundred dollars, exclusive of dog taxes. At said annual meeting there shall be produced a true and just report of the doings of the past year, showing the amount of money received from all sources, the names and amount of delinquent taxables, also the expenditures, for what purpose and

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to whom made, also the unexpended residue, the amount owing, to whom and for what purpose, and such other information as may properly be called for at said meeting, so as to set before the taxables present a just and true state and condition of the finances and condition of said town. In addition to said annual meeting there shall be held on the first Monday in June, September and December yearly, a quarterly meeting of the commissioners for the purpose of hearing, determining or acting upon any matter or business relating to or concerning the said town, which may be properly and lawfully there entertained and acted upon. The said annual meeting shall be duly advertised by the town clerk or commissioners by notices posted in three of the most public places in said town at least three days before the day of such meeting, stating the day, hour and place of holding the same. At all annual meetings any one member of the commissioners may assume the chair and call the town clerk, and if none, then any person present whom he may name to act pro tem. as secretary at such meeting when the same shall be thereby organized. No fees or charges shall be allowed for holding any the said town meetings.

Quarterly  
meetings to  
be held.  
Purpose of  
same.

Notice of  
meeting.  
How given.

SECTION 9. *And be it further enacted,* That the assessor shall immediately after the annual meeting make a just, true and impartial assessment and valuation of all the real estate in the town limits, and of all the male citizens therein of the age of twenty-one years and upwards, and all cows and horses kept in said town limits, and shall also include in said assessment the names of the owners or keepers of all dogs and bitches therein, and how many are owned or kept by each person, and in making said assessment shall as to the assessed valuation of persons, and of cows and horses be governed and regulated by the assessment and valuations made on the assessment list of the Hundred whereon such person or persons, and horses and cows were then last assessed and valued. He shall complete and deliver said assessment to the commissioners within ten days of said annual meeting for their examination, and if need be shall by them, with the assistance of said assessor, be corrected and adjusted according to the right of the matter, whereupon a true copy verbatim of said assessment so adjusted and corrected shall be made out and hung in some convenient place in said town for public inspection, of which due notice shall be given by the said commissioners or the said assessor, posted in five of the most public places in said town at least five days previous to the day on which they and the assessor shall sit together to

Assessment  
to be made.

What shall  
be included.

Assessment  
How regulated.

When to be  
returned.

Notice of  
appeal.

## OF CITIES AND TOWNS.

Hours for  
hearing ap-  
peals.

Powers and  
duties of  
Board of  
Appeal.

Duplicate.

Duty of  
Treasurer.

hear and determine appeals thereto. The appeal meeting shall be kept open from 2 till 4 o'clock of the afternoon of said day which shall also be stated in said notices, and shall be held at such place as named in said notices, and as soon after the hanging up of said list as conveniently may be. At said appeal meeting the commissioners shall hear and determine concerning the appeals and make the changes or alterations in all appealed cases as to them shall seem just and proper, but no other changes shall be made in said assessment except if glaring and gross mistakes or omissions shall appear, they may alter and amend so as to secure, according to the best of their skill and judgment, a fair and impartial assessment throughout. All such corrections, additions and alterations, if any shall be made on the day and within the hours of appeals as advertised and not thereafter. Immediately after every appeal meeting the original assessment list shall be corrected and made to agree verbatim with the duplicate so corrected and adjusted and retained by the commissioners or the assessor for future reference if need be, and as a precaution against the possible loss or destruction of the duplicate and warrant delivered to the treasurer. The said duplicate shall, as soon as possible or practicable after appeal meeting, be delivered to the town treasurer with the commissioners' warrant thereon written commanding him to receive and collect from the several persons therein named a rate in said warrant named on every hundred dollars and fractional part thereof whereof they shall stand severally assessed, and said warrant shall also command the said treasurer to collect from every owner or keeper of a dog the sum of fifty cents for each and every dog, and one dollar for each and every bitch so assessed on said duplicate; and said warrant may further command the said treasurer to receive and collect from the owner or keeper of any dog or bitch coming into or found to be and harbor\* in said town at any time between appeal day and the first day of December following and not already assessed the like sum of fifty cents for each dog and one dollar for each bitch, and he shall account for the amount by him so collected, and from whom, for the uses of said town. The said treasurer immediately after receiving said duplicate assessment with the commissioners' warrant thereon written shall proceed to collect from the persons therein named and as by said warrant commanded, and for that purpose all the remedies, powers, means and processes as by law conferred upon the Collectors of School Taxes, and of County, Road

\*So enrolled.

## OF CITIES AND TOWNS.

and Poor Taxes, are hereby conferred upon said treasurer, who is hereby constituted also the collector of said town.

SECTION 10. *And be it further enacted,* That if a vacancy shall happen among the commissioners such vacancy may be supplied by appointment at any of the regular meetings, yearly or quarterly, by the remaining commissioners or commissioner, and if there be none to make such appointment then the persons present being taxables may appoint suitable persons, resident freeholders, to serve till the next election; and if the town treasurer should die or become incapacitated to perform the duties of his office before the end of his term, then the person or persons named in his surety bond shall fill the office of treasurer and collector, and exercise all the powers conferred on said treasurer until a successor be duly appointed and qualified.

Vacancies.  
How filled.

SECTION 11. *And be it further enacted,* That if any of the commissioners shall at any time think proper they may order and direct any owner or holder of lands along which any sidewalk is now made or hereafter is made, to build, or repair and alter, or reconstruct the same, the pavements thereon, and the side curbing thereto, and in making such order or giving such directions shall specify the width of such sidewalk, the width of the pavement to be laid thereon, and of the general height and character of curbing next the street for the support of such sidewalk, and shall also state in such order or directions the kind and character of the materials to be used in making the same, and that the said sidewalks and pavements and curbs shall be made to conform with the general grade of the street or sidewalk and pavement of which the same is a part, and shall also state the time within which all such work shall be completed. And if any person shall fail, neglect or refuse to perform any such work when and as commanded, then and in such event the town commissioners, or a majority of them, are hereby authorized and empowered to do said work and repairs and procure the needful materials therefor, and when completed recover all the costs and charges incurred, including any skillful superintendent's charges for his services in managing and directing the same by action in the name of "The Commissioners of Wyoming" before the alderman of said town, and if none at the time then before any Justice of the Peace in said county, or any court of this State, as circumstances of jurisdiction may require.

Powers of  
commissioners.

SECTION 12. *And be it further enacted,* That fines and

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Fines and  
penalties.  
How recov-  
erable.

penalties authorized by this act for infraction of the same or of any ordinance or by-law hereunder, shall in no case exceed the sum of ten dollars, recoverable before the alderman of said town, and if none at the time, then before any justice of the peace in Kent County with costs, and on a failure to pay which may be committed by said alderman or justice to the town lock-up if any, otherwise to the common jail of Kent County for a term not exceeding ten days.

Jurisdic-  
tion and  
powers of  
alderman.

SECTION 13. *And be it further enacted,* That the alderman of said town shall have within town limits all the powers, authority, jurisdiction and cognizance of a justice of the peace of and over all breaches of the peace and other offences therein, to arrest, hold to bail or fine and imprison all offenders and of and over all fines, forfeitures and penalties mentioned and prescribed by this act or by ordinances established by the commissioners, and over all neglects, omissions, or defaults of any the officers of said town. The fees of the said alderman shall be the same as are by law allowed to justices of the peace for similar purposes. The alderman shall keep a book of record, called "Alderman's Docket of Wyoming," procured for him by the commissioners in which all his official acts shall be entered, and he shall deliver all books, papers and effects belonging to his office to his successor in office when appointed and qualified.

Shall keep  
a record.

Powers of  
Town Con-  
stable.

SECTION 14. *And be it further enacted,* That the town constable appointed by the commissioners shall have and exercise all the powers and authority within the limits of said town as constables of the State of Delaware in and for Kent County have, and shall have and receive for his fees and emoluments the same as those of constables of Kent County for like services. *Provided* that he shall not serve any civil process except to carry out the provisions of this act. It shall be his duty to execute the office of town constable, as fully and effectually and to all intents as largely, in all cases within the town or arising under this act, as constables of the State of Delaware in and for Kent County may or can do.

Act re-  
pealed.

SECTION 15. *And be it further enacted,* That the act entitled "An Act to incorporate the town of Wyoming, and for other purposes," passed at Dover, March 10, 1869; be and the same is hereby repealed, except to preserve the same so far as may be necessary to enable the commissioners thereunder to settle all unfinished business thereof and pay and deliver to the commissioners elected under this act all moneys, books, papers, and effects belonging to the said town.

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SECTION 16. *And be it further enacted*, That this act shall be deemed and taken to be a public act, and shall be printed among the laws of this State.

*Passed at Dover, February 25, 1887.*

## CHAPTER 161.

## OF CITIES AND TOWNS.

## AN ACT to re-incorporate the Town of Milford.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, two-thirds of each branch of the Legislature concurring*; <sup>Limits and boundaries.</sup> That the corporate limits and bounds of the said town of Milford shall be and remain as follows, viz; begining at Mispillion creek east of the town at a landing known as Paul Knabbs, thence partly with a lane leading thereto north fifty-three degrees west two hundred and thirteen perches to the road leading out Church street of the said town of Milford to Frederica, thence south thirty four degress west a straight line to Milford millpond across the road leading from the said town of Milford to Cullentown at a deep wash and small bridge over said road, thence in a direct line across said mill pond to the mouth of the Presbyterian branch of said branch, up said branch to a point opposite Clark's avenue, thence across the lands of John W. Causey to Clark's avenue, thence with said avenue to the point where it intersects the road from Milford to Georgetown, thence in a direct line in a north-easterly direction to the division line between the lands of John Hatchum and William Stevenson on the north side of the road leaning from Milford to Milton; thence in a straight line in a northerly direction to a point on said Mispillion creek known as Peach Tree Landing; thence up and across said creek to Paul Knabb's landing to the place of beginning.

SECTION 2. *And be it further enacted as aforesaid*, That the government of said town of Milford shall consist of <sup>Town Council.</sup> a town council composed of a president and six members. <sup>How composed.</sup>

## OF CITIES AND TOWNS.

Qualifications.	The president and three of said members shall be freeholders within the town limits; all of whom shall be residents of said town within corporate limits thereof. Three of said councilmen shall be elected from that part of the town known as North Milford, and three from that part of the town known as South Milford. There shall also be an alderman, a collector and treasurer and an assessor. The assessor shall likewise be a freeholder within said corporate limits. The aforesaid officers shall be elected on the first Monday in March eighteen hundred and eighty-seven, and on the first Monday in March annually thereafter, except as hereinafter provided, viz: that on the said first Monday in March in the year eighteen hundred and eighty-seven, two of the said councilmen shall be elected for the term of two years, and four for the term of one year, and annually thereafter on the said first Monday in March there shall be elected two councilmen for the term of two years and two for the term of one year.
Officers.	
When elected.	
Proviso.	
Councilmen How elected.	
Annual election.	SECTION 3. <i>And be it further enacted as aforesaid,</i> That an election shall be held in the town of Milford aforesaid on the first Monday in March in the year eighteen hundred and eighty-seven at the council chamber of said town from one o'clock till four o'clock in the afternoon, and annually thereafter on the first Monday of every March at such time and place as shall be determined and fixed by the town council, due notice in writing or printing whereof shall be given by the said council at least five days before said subsequent elections, for the purpose of electing the officers as provided for in Section 2. The votes shall be received by a justice of the peace in said town and the result of the balloting for said president and councilmen, alderman, collector and treasurer and assessor, shall be ascertained by himself and two citizens of said town, to be elected by the town council to assist in holding said election. At such election, every citizen of said town, male and female, the female by proxy if she prefer, who shall have attained the age of twenty-one years and shall have resided in said town one year next preceding the day of election, and is a taxable thereof, and shall have paid a town tax within twelve months prior to the day of holding said election, shall have a right to a vote. But no one shall be permitted to vote who has been delared a delinquent for the year next preceding the election. The justice of the peace and two citizens aforesaid shall be judges of the election and shall decide on the legality of the votes offered. Immediately after the election is closed, the votes shall be read and counted, and the persons having the highest
When held.	
Notice. How given.	
Vote ascertained by whom.	
Qualifications of voters.	
Judges of election.	
Counting of votes.	

## OF CITIES AND TOWNS.

number of votes shall be declared duly elected and shall continue in office during the term for which they were chosen, or until their successors are duly elected. Immediately after such election the person or persons under whose superintendence the election is held, shall enter in a book to be provided for that purpose, a minute of such election, containing the names of the persons chosen president, councilmen, alderman, collector and treasurer and assessors, and shall subscribe the same and shall give to the president, councilmen, alderman, collector and treasurer and assessor elect, certificates of their election, the book containing such minutes shall be preserved by by the town council and shall be evidence.

Record of  
votes to be  
kept.

Certificate  
of election.

SECTION 4. *And be it further enacted as aforesaid,* That the President and Councilmen of the town of Milford to be elected as hereinbefore described and their successors in office shall be and they are hereby created a body politic and corporate in law, and said president and councilmen of the town of Milford and their successors shall be able and capable to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in all courts of judicature whatsoever in this State by the corporate name of the "Town Council of Milford," and may have and use a common seal with such device or devices as they shall think proper, with power to alter or change the same as may be deemed expedient; to purchase, take, hold, receive, and enjoy any messuages, lands, tenements or hereditaments in fee simple, or otherwise, and also goods and chattels, rights and credits, and to alien, grant, devise, sell and dispose of the same in such manner and form as they may deem expedient; they shall also have full power and authority to contract for the lighting of the streets of the town of Milford with gas or otherwise, but such contract shall not be made for a longer period than five years and their successors in office shall faithfully observe and execute the same.

Corporate  
name.  
Powers.

Provision.

SECTION 5. *And be it further enacted as aforesaid,* That the person elected alderman as aforesaid of said town shall have all the power of a justice of the peace, within the limits of said town, so far as the jurisdiction and cognizance of all breaches of the peace and other offenses within said town, to arrest and hold to bail or fine and imprison such offenders, and of all fines and forfeitures and penalties which may be prescribed by any law of the State or by ordinance of the town council regularly passed and established for the government of said town, and of all neglects, omis-

Powers of  
Alderman.



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sions or defaults of the town bailiff, collector and treasurer, or assessor, or any other person whose duty it may be to collect, receive pay over, or account for any money belonging to said town, or to execute or obey any law or ordinance thereof.

**Proviso.** *Provided*, that he shall not impose any fine exceeding ten dollars, nor have jurisdiction in any civil matter other than to carry out the provisions of this act or the rules and regulations adopted for the government of said town by the persons authorized to adopt the same under this act. The fees of said alderman shall be the same as are allowed justices of the peace for similar services under the laws of this State. It shall be the duty of the alderman to keep a book of record or docket, to be called the alderman's docket of the town of Milford, to be provided by the town council aforesaid, in which all his official acts shall be entered, and he shall upon the expiration of his term of office deliver over to his successors all the books, papers, &c., pertaining to his office within ten days after the election and qualification of his successor, and in default of so doing he shall forfeit and pay for the use of said town the sum of twenty dollars to be recovered before the succeeding alderman or any justice of the peace residing in said town.

**Fees**

**Record.**

**Duties of Alderman towards his successor.**

**Penalty for neglect.**

**SECTION 6.** *And be it further enacted as aforesaid,* That the president, councilmen, alderman, collector and treasurer and assessor aforesaid so elected shall before one of the justices of the peace in the said town, be duly qualified by oath or affirmation to perform the duties of their offices to the best of their knowledge, respectively, and without favor or partiality, and after being so qualified the said president and councilmen at their first meeting after each election shall choose a secretary from their number who shall continue during the term for which he is elected, and if by death or otherwise the place of the secretary shall become vacant, the president and councilmen, or a majority of them, at their next meeting thereafter are hereby authorized to fill said vacancy out of their own number as aforesaid. And if a vacancy should occur in the office of president, councilmen, alderman, collector and treasurer, or assessor, during the said term of office, the said president and councilmen, or a majority of them, for the time being, at their next meeting thereafter, are hereby authorized to fill such vacancy by appointing a president, councilmen, alderman, collector and treasurer, or assessor, or either, as the case may be, to fill the unexpired term of said office or offices, and all such appointments made by said town council, authorized as aforesaid.

**Must be sworn, or affirmed.**

**Secretary to be chosen. Term.**

**Vacancy. How filled.**

**Other vacancies. How filled.**

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All the members of the council shall act, but the decision of a majority shall govern. The officers so appointed, after being qualified as aforesaid, shall have all the power in like manner and be subject to all penalties the same as those duly elected to said office or offices. It shall be the duty of the president chosen as aforesaid, to preside at all meetings of said council, and in case of his or the secretary's absence, an officer *pro tem* shall be appointed to act in his or their place. It shall be the duty of the secretary to record all the proceedings of the said council and keep a correct journal of the same in a book or books, to be provided for the purpose and also the papers relative to said town. All of which are to be carefully preserved and delivered to his successor in office.

Duties of  
the President  
of  
Council.

Duties of  
secretary.

SECTION 7. *And be it further enacted as aforesaid,* That the president and councilmen for the time being or a majority of them, shall have the superintendence and oversight of all roads, streets, lanes, alleys and gutters, now opened or hereafter to be opened, and shall have power and authority to cause the streets, lanes, alleys and gutters in said town, to be repaired, supported, regulated, removed and amended in any manner they may deem most proper for the convenience and interest of the citizens of said town, and shall cause a fund to be raised by way of tax upon persons authorized to vote for councilmen by this act, and upon all lands and tenements, and interest in such lands and tenements, within the limits of said town hereinbefore described: *Provided, nevertheless,* that all arable lands within the limits of the town as now incorporate, shall be hereafter exempt from taxes for town purposes. Said fund is to be applied to discharge the expenses of repairing the said streets, lanes, alleys, bridges and gutters, and for any other purpose that will contribute to the safety, convenience and prosperity of said town. That the council for the time being or a majority of them, shall have the power upon the application of five or more citizens of said town, by petition to them for that purpose, to locate, lay out, and open any new street or streets which five or more citizens of said town may desire to be located and laid out and opened, allowing to the persons respectively, through or over whose grounds each new street or streets may run, such compensation or damages therefor as they shall deem just and reasonable under all circumstances, which compensation, if any be allowed, shall be paid by the treasurer of the town of Milford, out of moneys of said town, on warrant drawn on him by authority of the town council aforesaid. That the Levy Courts of Kent and Sussex Counties, be and they are

Superintendence of  
streets.

Shall cause  
a tax to be  
raised.

Proviso.

Application  
of fund.

Location of  
new streets.

Damages.  
How paid.

## OF CITIES AND TOWNS.

Appropriations of the Levy Courts of Kent and Sussex Counties for use of streets.

Council shall settle with the Levy Court.

Mill dams, roads, walks and bridges over mill streams to be kept up by the counties of Kent and Sussex.

Notice to the owners of real estate concerning the opening of streets, &c.

Notice to holder.

Appeal.

Proceedings upon appeal.

hereby directed, in making the apportionment of the sum of the road taxes to be paid to the overseers of roads of the respective counties annually, to make an order for the payment to the said town council of Milford of the sum of two hundred and fifty dollars by each of said counties, to be by said council expended in repairing and maintaining the roads, streets and bridges within the limits of said town; and the said council shall have the sole supervision of said roads, streets and bridges, and shall settle with the said Levy Courts as other overseers of public roads: *Provided, always,* that the said town council shall in no case be required to repair or keep in order, any roads or walks or mill dams or bridges of any mill or mills that may be included in the limits of said town by this act, or bridges over Mispillion creek, or any roads or highways subject to be supported by the counties of Kent and Sussex.

SECTION 8, *And be it further enacted as aforesaid,* That whenever the said town council shall have proceeded to locate and lay out any new street, and shall have fixed the compensation therefor, it shall be their duty immediately after the survey and location of said street, to notify in writing the owner or owners of the real estate through or over which such new street may run, of their determination to open the same, and to furnish a general description of the location thereof, and also the amount of such damages or compensation allowed to each. And if such owner be not resident within the said town, to notify the holder of said real estate. If any owner be dissatisfied with the determination to lay out and open the said street or with the amount of the compensation or damage, he may, within ten days after receiving notice from the said council, as aforesaid, appeal from the determination or assessment or both by serving written notice to that effect on said council or some one of that body. In order to prosecute said appeal, such owner or owners shall within ten days after the expiration of the ten days allowed for appeal, apply to the justice of the peace oldest in commission residing within said town, who shall within three days thereafter and upon notice to the said town council or some member thereof, select and write down on a list the names of fifteen judicious and impartial freeholders in said town and residents thereof. The said town council shall upon receiving said notice from the justice, immediately notify all persons owning real estate on the said street and residing in said town, who have notified them of their intention to appeal, of the time and

## OF CITIES AND TOWNS.

place when and where the said names will be selected, and at the time and place mentioned in the notice of the justice, the said appellants, or as many of them as choose, and the members of the said council shall attend. The appellants, their agents, or attorney, shall first strike out one of said names and councilmen, their agent or attorney shall strike out another until each shall have struck out five. Such striking out shall be confined and regulated as to leave five remaining freeholders resident as aforesaid, who shall determine concerning the necessity of said street and assess the damages of all owners of real estate through or over whose ground the said street shall run who shall have notified the town council of their intention to appeal; and their award and assessment shall be final, and a copy thereof shall be communicated to all parties, appellants and town council. In case either side, town council or appellants, be not present before the justice or shall refuse to strike, a justice shall strike for the party so absent, neglecting or refusing. Any party, appellant or town council may within ten days after the appointment of said freeholders, and upon five days notice to the other parties resident in said town, or in case of non-residents, notice to the holders of any real estate call out the freeholders aforesaid who shall thereupon proceed upon oath or affirmation to inquire of the necessity of such street, and in case they deem such street to be necessary, to assess the damages of the several owners; their award shall be made within twenty days from the time of notifying them to meet. If any freeholder thus appointed and notified shall refuse to serve, he shall forfeit the sum of twenty dollars, to be recovered in an action of debt before any justice of the peace within said town in the name of the town council of Milford for the use of said town. If in case the award of the freeholder shall be against the necessity of any such street then no petition for any such new street so condemned shall be entertained by the members of said council then acting during the term for which they were elected. The act of a majority of the said freeholders shall be as good as the act of the whole in making any such award or assessment of damages.

Award to  
be final.

Time in  
which  
award shall  
be made.

Penalty for  
refusal to  
serve.

When peti-  
tion for  
opening  
street will  
not be en-  
tertained.

SECTION 9. *And be it further enacted as aforesaid,* That if on any such appeal the award shall be against the necessity of such a street, or the freeholders shall increase the damages of any appellant, then the cost of appeal shall be borne by the town, but if the freeholders shall affirm the necessity of the street, and shall not increase the damages of any appellant, then the costs shall be paid by the town council and

Cost of ap-  
peal.

Costs,  
How paid.

## OF CITIES AND TOWNS.

Appropriations of the Levy Courts of Kent and Sussex Counties for use of streets.

Council shall settle with the Levy Court.

Mill dams, roads, walks and bridges over mill streams to be kept up by the counties of Kent and Sussex.

Notice to the owners of real estate concerning the opening of streets, &c.

Notice to holder.

Appeal.

Proceedings upon appeal.

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## OF CITIES AND TOWNS.

place when and where the said names will be selected, and at the time and place mentioned in the notice of the justice, the said appellants, or as many of them as choose, and the members of the said council shall attend. The appellants, their agents, or attorney, shall first strike out one of said names and councilmen, their agent or attorney shall strike out another until each shall have struck out five. Such striking out shall be confined and regulated as to leave five remaining freeholders resident as aforesaid, who shall determine concerning the necessity of said street and assess the damages of all owners of real estate through or over whose ground the said street shall run who shall have notified the town council of their intention to appeal; and their award and assessment shall be final, and a copy thereof shall be communicated to all parties, appellants and town council. In case either side, town council or appellants, be not present before the justice or shall refuse to strike, a justice shall strike for the party so absent, neglecting or refusing. Any party, appellant or town council may within ten days after the appointment of said freeholders, and upon five days notice to the other parties resident in said town, or in case of non-residents, notice to the holders of any real estate call out the freeholders aforesaid who shall thereupon proceed upon oath or affirmation to inquire of the necessity of such street, and in case they deem such street to be necessary, to assess the damages of the several owners; their award shall be made within twenty days from the time of notifying them to meet. If any freeholder thus appointed and notified shall refuse to serve, he shall forfeit the sum of twenty dollars, to be recovered in an action of debt before any justice of the peace within said town in the name of the town council of Milford for the use of said town. If in case the award of the freeholder shall be against the necessity of any such street then no petition for any such new street so condemned shall be entertained by the members of said council then acting during the term for which they were elected. The act of a majority of the said freeholders shall be as good as the act of the whole in making any such award or assessment of damages.

Award to  
be final.

Time in  
which  
award shall  
be made.

Penalty for  
refusal to  
serve.

When peti-  
tion for  
opening  
street will  
not be en-  
tertained.

Cost of ap-  
peal.

Costs,  
How paid.

SECTION 9. *And be it further enacted as aforesaid,* That if on any such appeal the award shall be against the necessity of such a street, or the freeholders shall increase the damages of any appellant, then the cost of appeal shall be borne by the town, but if the freeholders shall affirm the necessity of the street, and shall not increase the damages of any appellant, then the costs shall be paid by the town council and

## OF CITIES AND TOWNS.

Damages to be paid or tendered before streets be appropriated.

Payment. How made in certain cases.

appellants equally; that the damages which may be assessed upon the occasion of opening any new street, shall be paid out of the funds of the town, or duly tendered before the property of any person in whose favor the damages are assessed shall be appropriated for the opening of any such streets; and in case any such owner or owners in whose favor any such damages are assessed shall be a minor, non-resident or shall refuse to receive or be incapable for any cause of receiving the same, such damages may be deposited in the First National Bank of Milford or any other banking institution, which may at the time exist in said town, to the credit of such person or persons and subject to his or their order, and such deposit shall operate as payment. The fees of the freeholders shall be one dollar per day.

May direct the laying of pavements and curbing.

Upon neglect or refusal to pave or curb. Council are authorized to pave and curb the same. Cost of same. How recovered.

May direct old pavements to be relaid.

Notice.

Powers over streets, sidewalks and crossings.

SECTION 10. *And be it further enacted as aforesaid,* That the members of said council, or a majority of them, be and they are hereby authorized and required upon the written petition of five or more freeholders of said town to direct in writing the proprietor or proprietors of any house or land in Milford, before or in front of which they may deem proper that a pavement should be made, to curb or lay a pavement of brick or smooth stones of such length and width as the said council may specify, and if such proprietor or proprietors shall neglect or refuse for the space of thirty days after being directed as aforesaid, to lay such pavement with good and sufficient curbs, it shall and may be lawful for the members of said council, and they or a majority of them are authorized and required to cause pavements and curbs to be made and to recover the cost of making the same by the distress and sale of any goods and chattels, lands and tenements belonging to such proprietor or proprietors within the limits of the said town. If any pavements already made shall at any time by the members of said council or a majority of them be deemed an insufficient pavement, they or a majority of them shall have power and are hereby required to direct in writing the proprietor or proprietors thereof to make a sufficient one, and upon neglect or refusal so to do for the space of thirty days, the members of said council or a majority of them shall cause the same to be done and recover the cost of doing the same in a like manner as above prescribed. In case of new pavement, notice to one co-proprietor shall be notice to all, and in case no proprietor shall reside in the town notice to the occupier shall be deemed a sufficient notice to the proprietor. The members of said council, or a majority of them, may cause such sidewalks or portions

## OF CITIES AND TOWNS.

thereof as are unpaved to be covered with gravel, sand, or dirt, if they deem them not proper to be paved, and shall cause them to be put in good order for the convenience of said town; the expense thereof shall be paid as aforesaid by the proprietor or proprietors in front of whose property said improvements may be made and may cause flag stones to be put down at the crossings of the streets wherever they may think necessary, and the cost of doing the same shall be defrayed out of the funds of the town. If any lot or lots on any of the said streets shall be held or owned by a widow or widows in right of dower, such expenses incurred as aforesaid for the lot or lots so held shall be paid by the owner or owners of the reversion in fee simple, and if such owner or owners be minors at the time of such expenses being incurred, then to be paid by the guardian or agent acting for such minor or minors out of any money or effects of such minor or minors, and a receipt therefor to such guardian or agent shall be a sufficient evidence of such payment, and be allowed in his or her guardian's or agent's account. And if not paid by the guardian or agent as aforesaid on the presentation of the bill, the same to remain on interest from day of presentation and be a lien against such lot and improvements till paid. All subsequent repairs named in this act to be kept up at the expense of such holder in right or\* dower.

Costs to be paid by the town.

When lands are held by widow, expenses. How paid.

SECTION 11. *And be it further enacted as aforesaid,* That the said town council shall have authority to make such regulations and ordinances for the government of the town as they shall deem proper and necessary; and they are hereby authorized and required to provide sanitary measures for the health of the citizens; cause all obstructions and nuisances that may at any time be and exist in the limits of said town, whether in the streets, lanes, alleys, or gutters, on the sidewalk or in any other place within the limits aforesaid to be removed or abated; the said council, or a majority of them, may proceed either upon their own views or upon complaint of any other citizen in writing, stating the character of said nuisance or obstruction and where the same exists. If the said council, or a majority of them, either of themselves, or upon such information, and upon view shall determine that an obstruction or nuisance exists, and ought to be removed, they shall give notice in writing to the person causing such obstruction or nuisance, or who is responsible for its existence or continuance, to remove or abate the same, or if such persons shall refuse or neglect for the space of two days after such

May make rules, regulations and ordinances

May abate all nuisances.

\*So enrolled.



## OF CITIES AND TOWNS.

Penalty for neglect or refusal to abate nuisance.

notice to remove or abate said obstruction or nuisance he shall forfeit and pay the sum of ten dollars with costs, to be recovered by the said town council for the use of the town in the same manner as debts of that amount are recoverable; and for every additional day the same shall remain unabated and removed, "he or she" shall forfeit the further sum of ten dollars to be recovered with costs in the same manner. The said council shall have power to grant building permits under such regulations as they may deem proper by an ordinance.

May maintain a lock up or jail.

Alderman may commit persons to same.

SECTION 12. *And be it further enacted as aforesaid.* That it shall and may be lawful for the said town council to keep and maintain a suitable place as a lockup or jail for the use of said town and the alderman of said town or any justice of the peace acting under the provisions of this act or carrying into execution any judgment or sentence pronounced under its authority, or the authority of any ordinance or regulation adopted by virtue of the power herein conferred, may commit to the said lockup or jail for any time not exceeding five days, and for want of such lockup or jail, to the common jail of the county in which the offense may be committed.

Assessment When and how made.

Shall deliver duplicate to council.

Council shall cause transcripts of duplicate to be hung up.

Shall hold a court of appeals.

SECTION 13. *And be it further enacted as aforesaid,* That the assessor of the town for the time being shall, annually during the month of April, make a true, just and impartial valuation and assessment of all the real estate within said town, except as mentioned in the seventh section hereof, and also an assessment of all the male citizens residing in said town above the age of twenty one years, as well those owning as those not owning real estate, within its limits. And the said assessor shall forthwith, after making such assessment, deliver to the said Town Council for the time being, a duplicate containing the names of all the persons assessed and the amount of their assessment, distinguishing the real and personal assessment of each. The council shall assess the real estate and personal of the assessor. The Council shall between the first and fifteenth of April of each year, cause two copies of a full and complete transcript of said duplicate to be hung up, one in the post office, and another in a public place in said town, these to remain for the space of twenty days thereafter for public information. And the said council shall on the Monday next, after the expiration of the said twenty days, hold a court of appeals, which shall continue open from nine o'clock A. M. until twelve M. and from two o'clock P. M. until five o'clock P. M. of the said day,

## OF CITIES AND TOWNS.

when they shall hear and determine appeals from said assessment. Notice of the hanging up of the list, and also at the same time and place of \*hanging appeals, shall be given by notices posted in at least six public places in said town. The decision of the council upon any appeals, shall be final and conclusive. No councilman shall sit upon his own appeal, but the same shall be heard and determined by the others. After the valuation and assessment shall be examined and adjusted by the said council, all taxes shall be levied, assessed and raised on the real estate and, persons thus valued and assessed, in just and reasonable proportion and rates. The assessor immediately after his election, and before entering upon the duties of his office, shall be sworn or affirmed by some judge or justice of the peace, diligently, faithfully and impartially, to perform the duties of his office to the best of his ability, knowledge and judgment, and a certificate shall be made by the person administering the oath or affirmation, in the record book of the council containing the certificate of the election of the president, councilmen, alderman, collector and treasurer and assessor aforesaid.

Notice of  
hearing ap-  
peals to be  
given.

Assessor  
shall be  
sworn or  
affirmed.

SECTION 14. *And be it further enacted as aforesaid.* That the said council after having ascertained the sum necessary to be raised on the said town for the purpose of this act and having apportioned the same on the assessment and valuation aforesaid, shall yearly in the month of April, or as soon thereafter as convenient, furnish the collector and treasurer of said town with a list, containing the names of the taxables as well the owners of real estate as those not owning real estate, and his personal assessment, distinguishing between them, and also the tax levied on each person and also the tax on the whole valuation and assessment and the rate per hundred dollars. The list shall be signed by the council or a majority of them. The collector and treasurer immediately after receiving the said list shall proceed to collect the taxes mentioned in the said list, and in collecting the same shall have the same powers as are by law given to the collector of the county rates and levies. The collector and treasurer, before he enters on the duties of his office, shall give bond with sufficient surety in the penal sum one thousand dollars to the said council, conditional for the faithful discharge of the trust reposed in him and the payment over to his successor in office of all such sums of money as may remain in his hands upon the settlement of his accounts. The said collector and treasurer shall pay all orders drawn on him by the said council or a majority of

Council  
shall fur-  
nish col-  
lector with  
list of taxa-  
bles.

Powers of  
collector.  
Bond.

\*So enrolled.

## OF CITIES AND TOWNS.

Accounts. When settled. them, and shall settle his accounts with the said council annually in the month of February and as often and at such time as they or a majority of them shall require. The said assessor and collector and treasurer shall each receive a reasonable compensation to be determined by said council. That the said council now elected or who shall hereafter be elected shall at no time in and for any one year, levy upon any assessment that shall or may be made a tax for any and all purposes to exceed in the aggregate the sum of three thousand dollars.

Not to levy more than \$1.00 annually.

SECTION 15. *And be it further enacted as aforesaid,* That the said council are hereby authorized to appoint some discreet and judicious citizen of Milford town bailiff. The said bailiff shall have all the powers and authority within the limits of said town, of a constable in and for Kent or Sussex Counties, as to the cognizance of all breaches of the peace and other offenses within said town, and shall hold his office subject to the option of the council, and his fees and emoluments shall be the same as those of constable for like services; *Provided* that he shall not serve any civil process, except to carry out the provisions of this act. It shall be the duty of the aforesaid president, councilmen, alderman and bailiff, or of any justice of the peace and constable of Kent or Sussex Counties, residing in said town, to suppress all riotous, turbulent, disorderly, or noisy conduct of any person or persons or disorderly, or noisy assemblages, or gatherings of any person or persons in the street, lanes or alleys of the said town, or in any house situated therein after night, or on the Sabbath day or at any other time or season whatever; and for this purpose it shall be the duty of the said bailiff or any constable, upon the requisition of the alderman or of any member of said council and without further warrant, forthwith to seize and arrest any such person or persons so offending and to carry him or them before the said alderman, or any justice of the peace resident in said town, and upon conviction before the said alderman or justice of the peace as aforesaid, whose duty it shall be to hear, and (determine the case) the said alderman or justice of the peace, shall sentence any such person or persons so convicted to pay a fine not exceeding ten dollars and commit the party to the lockup or jail, for any period not more than five days or until said fine and the costs be paid. It shall be the duty of said aldermen or justice of the peace upon complaint made before him of any such riotous, turbulent conduct as aforesaid, or noisy assemblages, to issue his warrant to the said bailiff or constable, commanding him to bring any such person, or persons, so offending as aforesaid, before him for trial.

## OF CITIES AND TOWNS.

That the said lockup or jail shall be in charge of the town bailiff, whose duty it shall be to provide for the maintenance of such persons as may from time to time be confined therein, the expenses to be defrayed by the collector and treasurer of the town, upon a warrant drawn upon him by the council, for that purpose. The said town council are hereby also authorized to appoint one or more bailiffs, whenever they may deem it to be the best interest of the town to do so, for temporary service, such bailiff or bailiffs shall be sworn or affirmed by a justice of the peace, and have the same authority to act and be under the same rules and regulations as is the bailiff hereinbefore provided for and receive such pay for their services as the council may determine. They shall also have power to appoint a supervisor of streets, whose duty it shall be to attend to the repairs of the streets, lanes, alleys, bridges and gutters of the town, subject to the control and direction of the town council. He shall receive such compensation for his services as the town council may deem just and proper.

Lockup or jail to be in charge of town bailiff.

Council may appoint bailiffs.

Supervisor of streets.

Compensation.

SECTION 16. *And be it further enacted as aforesaid,* That it shall be the duty of said president, councilmen, alderman, bailiff or bailiffs, or justice of the peace, to suppress, extinguish and prevent all bonfires in any of the streets, lanes or alleys of the said town, and to suppress or prevent the firing of guns, pistols, or the letting off of fire works or the making or throwing fireballs within the limits of said town, and the said council may enact and publish ordinances, with reasonable penalties for preventing the same and punishing persons guilty of their violation. Any fine imposed by any such ordinance may be collected before the said alderman or justice of the peace in town, and in default of payment the said alderman or justice of the peace may commit for any time not more than five days. All fines and forfeitures realized under the provisions of this act by the alderman or justice of the peace, as aforesaid, shall be paid over to the collector and treasurer for the use of the town. If any constable shall neglect or refuse to perform the duties above enjoined on him by this act, he shall be deemed guilty of a misdemeanor in office, and it shall be the duty of the said council to present him to the grand jury, and upon conviction, he shall in addition to the punishment imposed by the court, forfeit his office.

Shall suppress bonfires, firing of guns, &c.

May enact ordinances.

Fines and forfeitures paid to whom.

Penalty for neglect of constable to perform his duties.

SECTION 17. *And be it further enacted as aforesaid,* That it shall be lawful for the town council of Milford, elected or hereafter to be elected, to negotiate a loan or loans bearing

## OF CITIES AND TOWNS.

Town Council may negotiate loans.

Loans. How used.

interest at a rate not exceeding six per centum per annum, and pledge the faith of said town for the payment thereof, to be expended for the purpose of repairing the public streets in said town, in such manner as to them shall seem most proper and advisable, or for such other purposes as they may deem for the best interest and welfare of the town. The said town council may negotiate said loan or loans in such sum or sums, and at such time or times, as shall to them appear expedient, and may execute under their hands and seals as such council a bond or bonds for the payment of every sum by them borrowed under the provisions of this act. *Provided, always,* that the indebtedness of the town at any time shall not exceed the sum of two thousand dollars.

Alderman shall appoint auditor.

Shall publish report of accounts.

SECTION 18. *And be it further enacted \*by the aforesaid,* That it shall be the duty of the alderman for the time being and he is required to appoint annually in the month of January two competent and suitable persons, who shall be residents and taxables of said town of Milford, auditor of the accounts of the councilmen of said town of Milford, whose duty it shall be to examine all the accounts of said councilmen for the current year and to audit the same. The said auditor shall on or before the first day of March next ensuing their appointment, publish a report of said accounts so examined and audited, in the newspapers published in said town of Milford. The said auditors for the purpose aforesaid, shall have access to all the records belonging to said town of Milford.

Unlawful for theatrical and companies to exhibit.

Proviso.

Shall designate location of wagons for peddlers, and grant license.

SECTION 19. *And be it further enacted as aforesaid,* That no circus, menagerie, theatrical or minstrel company or any such exhibition of any kind shall be exhibited "or bills posted therefor or parade thereof on any of the streets, alleys or lanes of said town" within the limits of the town of Milford, without having first obtained permission of the town council, who shall hereby have power to grant license for that purpose, the charge for the same to be at their discretion. *Provided,* that the foregoing shall not apply to theatricals, or other exhibitions, gotten up by citizens of the town. And the said town council shall further have power to designate the location of wagons for peddlers of beef or other fresh meats, fish, oysters or vegetables, and to grant licenses for the same for such sum and for such length of time, as said council may deem proper, and that such peddlers shall be protected in and have exclusive use of the location for which such license has

## OF CITIES AND TOWNS.

been paid, and during its continuance. *Provided, further,* Proviso. that nothing herein shall be construed to prevent farmers, truckers, or other persons from selling such articles as are of their own production, or to prevent persons driving through the streets and selling beef, or other fresh meats, fish, oysters and vegetables. And that the said town council shall not have the power to license any peddler aforesaid, or grant a stand before any place of business or where such stand or wagon will interfere with the convenience of public travel. Any circus, menagerie, theatrical or minstrel company or exhibition of any kind except as aforesaid, or any peddler of beef, or other fresh meats, fish, oysters, and vegetables except as Penalty for violation of provisions of act. hereinfore provided, who shall violate the provisions of this act, shall forfeit and pay a fine not exceeding the sum of ten dollars, at the discretion of the council, and for the use of the town.

SECTION 20. *And be it further enacted as aforesaid,* That the assessor elected by virtue of this act, shall not receive more than thirty dollars for his services. And the secretary Compensation to assessor. of the town council shall not receive more than thirty dollars for his services.

SECTION 21. *And be it further enacted as aforesaid,* That if any person or persons shall hereafter erect or set up a plant for the purpose of manufacturing therein, within the limits of said town, the town council shall have power to remit all taxes that may be levied or imposed on said plant for town purposes for a period not exceeding ten years, but such remission of taxes as aforesaid shall be at the discretion of the council. May remit taxes in certain cases.

SECTION 22. *And be it further enacted as aforesaid,* Should any person or persons hereafter desire to erect any building or buildings within the corporate limits of said town for the purpose of conducting therein the business of Application for erection of buildings to be made in certain cases. canning fruits, vegetables, meats, oysters, &c., or for the manufacture or manipulation of phosphates, fertilizers or manures of any kind, he or they before erecting such building or buildings, or engaging in such business, shall make an application in writing for permission therefor to said town council. And should said council determine that such buildings will not endanger the other property of the town and said business will not jeopardize the health of the citizens thereof, the council shall have authority to grant a permit to erect such buildings and conduct such business. Council may grant permission to erect. Should any person or persons knowingly and wilfully violate any or all of

## OF CITIES AND TOWNS.

these provisions intended as protection against fire and safeguard to the health of the citizens, shall be presented to the grand jury, or proceeded against before the alderman or justice of the peace, resident of the town, as provided in section eleven of this act, for maintaining a nuisance.

Penalty for violation.

Council shall appoint a Board of Health.

Board, how organized.

SECTION 23. *And be it further enacted as aforesaid,* That the town council shall appoint in the month of March of every year three good and substantial citizens, one of whom shall be a practicing physician, who shall constitute a Board of Health for said town and who shall serve for one year, and whose duty shall be to have cognizance of the interests of health and life among the people of said town and to report to the town council whatever in their judgment is injurious to the health, or that shall contribute to useful sanitary information. Said board shall organize by the election of a president and secretary within ten days after notice of their appointment, and said board shall keep a record of their proceedings and acts as a board. For so doing the secretary of said board shall be allowed a reasonable compensation for his services, to be determined by the town council.

Acts repealed.

SECTION 24. *And be it further enacted as aforesaid,* That the act entitled "An act to incorporate the town of Milford," passed at Dover and the several acts and parts of acts inconsistent with or supplied by this act, are hereby repealed and made null and void, saving and excepting, however, from the effect of such repeal and hereby enforced declaring that all the ordinances of the town of Milford heretofore enacted or adopted, and now in force in pursuance of any law of this State, shall continue in full force and effect until repealed, altered or amended by the council of said town.

Acts of council ratified.

Fines and penalties unaffected.

Powers of collector continued in force.

That all the acts and doings of the council of said town, or of any officers of said town, lawfully done or performed under the provisions of any law of this State, or of any ordinance of the council of said town, are hereby ratified and confirmed. That all debts, fines or penalties and forfeitures due to said town of Milford, and all debts due from said town of Milford to any person or persons, or to any corporation, are declared to be unaffected and unimpaired by this repeal, and all laws of this State for the collection and enforcement thereof, shall continue in full force until the same shall be fully paid and discharged. That all the powers now conferred by law upon the collector for the collection and enforcement of all taxes in said town heretofore assessed and uncollected shall continue in full force and effect until all

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said taxes shall be fully collected and paid. That the official bond of said collector shall be unaffected and unimpaired by this repeal, and that he and his sureties thereon shall continue liable for any breaches of any of the conditions of said bond, and that all proceedings, heretofore commenced for the collection of any penalty, fine, forfeiture or debt due to said town under any law or ordinances shall not be affected or impaired by this repeal, but the same may be prosecuted to judgment and execution until the same be fully paid, liquidated and discharged.

SECTION 25. *And be it further enacted as aforesaid,* That Public act. this act shall be deemed and taken to be a public act.

*Passed at Dover, February 28, 1887.*

## CHAPTER 162.

## OF CITIES AND TOWNS.

AN ACT supplementary to the act entitled, "An act to incorporate the Town of Camden," passed at Dover, March 4, 1869.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch thereof herein concurring):* That at the election to be held in the town of Camden on the second Monday in March, A. D., 1887, there shall be chosen by ballot five commissioners, three at least of whom shall have a freehold therein. In voting for such commissioners, two of them shall be elected for three years, two for two years and one for one year and at every subsequent election there shall likewise be chosen by ballot eligible persons in said town to serve as commissioners for three years in place of the commissioners whose term of office then expires, and also elect to fill vacancies for unexpired terms occasioned by death, resignation, removal from the town limits, or otherwise. There shall at all times be at least three freeholders in the board of commissioners.



## OF CITIES AND TOWNS.

Commissioners may annually raise \$500.

May pay annually. \$40.00 to Camden Fire Department.

Certain lands included within limits of said town.

Roads and lands. How controlled.

Levy Court shall appropriate annually the additional sum of fifty dollars.

Commissioners to account to Levy Court.

Commissioners powers in respect to streets, &c.

Inconsistent Acts repealed.

SECTION 2. *And be it further enacted.* That the commissioners of the town of Camden may raise yearly by taxation on persons and property the sum of five hundred dollars as a maximum exclusive of dog taxes for the uses of said town, and may yearly pay and apply out of said town funds a sum not exceeding forty dollars yearly toward maintenance of the Camden Fire Department.

SECTION 3. *And be it further enacted.* That all the lands and roads embraced within the territory bounded on the west by the eastern lines and limits of the town of Wyoming, on the southeast by the northwestern lines and limits of the town of Camden as surveyed and laid out under and by authority of the Act of Incorporation, passed at Dover, March 4th, A. D. 1869, and on the north bounded by the headwaters of the Howell mill pond, be and the same (all the said lands and roads) is hereby incorporated within and made a part of the town of Camden as fully, largely and effectually, to all intents and purposes, as if originally included in said town limits, and all the roads and ways so embraced shall be controlled and managed exclusively by the town commissioners.

SECTION 4. *And be it further enacted.* That the Levy Court of Kent County shall, in addition to the sum of one hundred dollars heretofore annually appropriated to the commissioners of Camden, make a further annual appropriation of fifty dollars for the uses of said town, to be expended on the roads therein, and shall make an order annually for the payment of said additional fifty dollars, and the commissioners shall annually account to said Levy Court for the money so appropriated as overseers of the roads in said county are required to account.

SECTION 5. *And be it further enacted,* That whenever the town commissioners shall find that any ditch or water drain, roads, streets, avenue or side walks in said town limits ought to be repaired or improved, they shall employ some suitable and competent person to superintend and direct in making such repairs and improvements, as shall be particularly described and ordered by said commissioners.

SECTION 6. *And be it further enacted,* That all parts of the said act of incorporation passed at Dover, March 4, 1869, which are inconsistent with or repugnant to this act, be, and the same is hereby repealed, and this supplementary act shall be deemed and taken to be a public act, and shall be printed among the laws of this State.

*Passed at Dover, March 9, 1887.*

## OF CITIES AND TOWNS.

## CHAPTER 163.

## OF CITIES AND TOWNS.

A FURTHER additional supplement to the act entitled "An act in relation to the town of Smyrna," passed at Dover, February 25, 1859.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring):*

SECTION 1. That the Levy Court of Kent County shall annually appropriate for the repairs of the streets and roads in the town of Smyrna the sum of four hundred dollars, and shall make an order for the payment thereof to the commissioners of said town, who shall account to the said Levy Court for said money as overseers of the roads.

Levy Court shall annually appropriate for repairs of streets \$100.

SECTION 2. That the commissioners of the town of Smyrna shall hereafter be elected as follows: At the annual election to be held in said town on the first Monday of March, A. D. 1888, two of the commissioners shall be elected for the term of one year; two for the term of two years, and three for the term of three years, and until their successors, respectively, shall be elected and qualified; and annually thereafter there shall be elected commissioners in lieu of those whose term have expired, to serve for the same period of time as that for which their immediate predecessors were elected.

Commissioners. How elected.

*Passed at Dover, March 24, 1887.*

## OF CITIES AND TOWNS.

## CHAPTER 164.

## OF CITIES AND TOWNS.

AN ACT to amend Chapter 152, Volume 15, Laws of Delaware, entitled "An act to incorporate the city of New Castle."

Preamble.

WHEREAS, By reason of the extensive boundaries of the city of New Castle, much farm and rural property is at present subject to full city taxation, while by reason of its remoteness from the built-up parts of the city, it receives no benefit or advantage from the city government. It being manifestly unjust that such property should bear such full taxation; therefore,

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring):*

Certain  
properties.  
How as-  
sessed.

SECTION 1. That whenever the assessor of the city of New Castle shall proceed to assess the persons and estates as required Section 18, Chapter 152, Volume 15, Laws of Delaware, he shall assess the property within the limits of said city, now owned by the following named persons at one-half the valuation, as fixed in the last county assessment to wit, the property of Henry C. Burgie, Henry F. Dure, Daniel Rogers, George Edwards, Benjamin F., George W. and Charles E. Eckles, John Janvier, Mary E. DuPont and Victor DuPont, Alvin Allen, Thomas Holcomb, Joseph J. Taggert, L. Taylor Dickson, estate of Daniel G. Nivin, and so much of the property of Thomas T. Tasker as is used for farming purposes.

*Passed at Dover, March 24, 1887.*

## OF CITIES AND TOWNS.

## CHAPTER 165.

## OF CITIES AND TOWNS.

AN ACT to exempt from taxation certain property in the city of Delaware City.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. That the real estate of any person or persons or body corporate within the limits of the city of Delaware City, not exceeding five acres, upon which any manufacturing or other industrial improvements for the employment of labor shall be erected after the passage of this act, or any real estate upon which any buildings are already erected and which after the passage of this act shall be used for any manufacturing or any industrial pursuit as aforesaid not before prosecuted or carried on these shall be exempt for a period of ten years after the same shall be first assessable from assessment or taxation for State, county or municipal purposes.

*Passed at Dover, March 31, 1887.*

## CHAPTER 166.

## OF CITIES AND TOWNS.

AN ACT to amend an act entitled "An Act to incorporate the town of Townsend," passed at Dover, April 3, 1885.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, two-thirds of each branches thereof concurring therein:*

SECTION 1. That Section 7 of the said act be, and the same is hereby amended, by striking out the word "more" in the fourth line thereof, and inserting the word less; and by striking out the word "one" in the said fourth line, and inserting the word "two."

*Passed at Dover, March 31, 1877.\**

\*So enrolled.

## OF CITIES AND TOWNS.

## CHAPTER 167.

## OF CITIES AND TOWNS.

AN ACT to authorize the Town Council of Dover to extend the water mains.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. That the town council of the town of Dover be and they are hereby authorized and empowered to extend the water mains on any street or streets of said town of Dover where in the judgment of said council the receipts from the use of water on any such extension will amount to ten per cent. annually upon the cost of making such extension.

SECTION 2. The said town council may order payment to be made to any person or persons who may have laid any main in any street of said town at his or her private expense the whole or such part of the cost of laying such main as in their judgment they may deem just and proper. Upon the payment of such sum as may be agreed upon the person receiving payment shall release all their right and interest in any such main to the town of Dover.

SECTION 3. The said town council are hereby authorized and empowered to pay for anything done in pursuance of this act out of any monies that may be in the treasury or that may come into the treasury of the town from any taxes or other monies collected under Chapter 498, Volume 16 of the Laws of Delaware.

*Passed at Dover, April 6, 1887.*

## OF CITIES AND TOWNS.

## CHAPTER 168.

## OF CITIES AND TOWNS.

## AN ACT in relation to the Town of Felton.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, two-thirds of each branch concurring:* That the act entitled an act to incorporate the town of Felton and for other purposes passed at Dover, April 8, A. D. 1869, be and the same is hereby amended by striking out the words "one hundred" in the fourth section thereof and inserting instead thereof the words "one hundred and fifty."

Act entitled  
"An act to  
incorporate  
the town of  
Felton,"  
amended.

*Passed at Dover, April 13, 1887.*

## CHAPTER 169.

## OF CITIES AND TOWNS.

## AN ACT to incorporate the town of Clayton.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met [two-thirds of each branch of the Legislature concurring therein] as follows to wit:*

SECTION 1. That James Williams, Caleb S. Pennewell, David J. Cummins, George W. Whittaker and Robert J. Reynolds, be, and they are hereby appointed commissioners, whose duty it shall be to view the premises, and they or a majority of them having so viewed the same, are hereby expressly authorized, empowered and directed, with the assistance of a skillful surveyor, to be by them selected to survey, locate and lay down on a plot, the town of Clayton, in Kent County, designating its limits, and making, describing and naming thereon its streets and alleys, and they shall, when the

Commissioners.

## OF CITIES AND TOWNS.

Plot and re-  
turn to be  
given to  
recorder.

Certificate.  
What to  
state.

Shall be  
sworn or  
affirmed.

same is completed, return the said plot to the recorder's office at Dover, to be recorded with their certificate thereon, endorsed and signed by the said commissioners, or a majority of them, that they have performed the duties in that behalf by this section required, and that the said plot represents the said town of Clayton with its boundaries and limits as by them located and defined. The commissioners and the surveyor before entering upon their duties under this section, shall be severally duly sworn or affirmed to discharge such duties with fidelity, and in the certificate annexed to the aforesaid plot, it shall be shown that this qualification was complied with.

Commis-  
sioners shall  
give notice  
of an elec-  
tion.

What no-  
tice shall  
contain.

SECTION 2. Immediately after the return of the said plot and its delivery to the recorder of deeds, it shall be the duty of the said commissioners named in the first section of this act, or a majority of them, to give notice in writing under their hands, or the hands of a majority of them, to the inhabitants of the town of Clayton, that on a day, to be designated in such notice, not more than ten days after the date thereof, the said commissioners, or a majority of them, will hold an election in the said town of Clayton, at a place and between the hours designated in such notice for the election of five commissioners for the said town of Clayton, who shall be chosen from among the inhabitants of the said town. Such notice shall be posted in at least four of the most public places in the town of Clayton, at least five days before the day of holding such election.

Term of  
office.

The commissioners so chosen at such special election, shall continue in office until the first Saturday in May A. D. 1888.

Who are  
entitled to  
vote.

At such special election, the commissioners shall be voted for by ballot, and all persons who are *bona fide* residents within the territorial limits of the said town, as established by the said plot, who are above the age of 21 years, and who shall have paid the county tax for the year 1886, shall be entitled to vote.

Commis-  
sioners to  
hold special  
election.

Duties.

At such election three of the commissioners named in the first section of this act shall be the judges thereof, and they shall receive and count the ballots and ascertain the result, and when so ascertained, shall make five certificates thereof, and give one such certificate to each of the commissioners chosen at said election.

They shall also certify to the recorder of deeds in and for Kent County that such election has been held, stating the time at which it was held and the names of the persons

## OF CITIES AND TOWNS.

chosen commissioners, and such certificate shall be recorded in the said office, and the record or a certified copy thereof shall be evidence.

The commissioners chosen under the authority of this section and their successors in office, to be chosen as hereinafter provided, shall be, and they are hereby declared to be a body politic and corporate in fact and in law, by the name, style and title of "The Town of Clayton," and by that name <sup>Corporate name.</sup> may sue and be sued, plead and be impleaded in all courts of law and equity.

The said commissioners so to be chosen and their successors in office, in addition to the powers hereinafter conferred, <sup>Powers of commissioners.</sup> shall have power to regulate the streets, alleys and sidewalks of said town, and may direct the latter, or such parts of them, as they may determine, to be put in a safe and passable condition at the expense of the owners of the lands adjacent. On complaint of any citizen or of their own motion, they shall have authority to examine any chimneys, stove pipe fixtures or any other matter dangerous to the town, and if adjudged by them dangerous, to require and compel the danger to be removed, to prevent or remove all nuisances therein, and to prohibit the firing of guns or pistols, the making of bonfires or setting off fireworks, or any dangerous sport or practice in said town, and the said town commissioners shall have full power and authority from time to time to enact, <sup>May enact and ordain by-laws and ordinances.</sup> and ordain all such by-laws and regulations for the government and management of the said town and its affairs, as to them shall seem judicious and expedient. *Provided, always* that they are not repugnant to the Constitution of the United States or of this State inconsistent with this act.

SECTION 3. That the town commissioners, as chosen under authority of Section 2 of this act, shall continue in office until the first Saturday in May, A. D. 1888, on which day in that year there shall be held in the said town of Clayton at the school-house, between the hours of 2 o'clock and 4 o'clock P. M., an election for five commissioners; one of whom shall be chosen for one year, one for two years, one for three years, one for four years, and one for five years; and on the first Saturday in May in each succeeding year thereafter there shall be an election held for one commissioner to serve for five years. All of said commissioners shall be freeholders <sup>Term of office.</sup> within the limits of said town. In case of any vacancy in the office of commissioner by death, resignation, refusal to serve, refusal to qualify, or removal out of the town, the re- <sup>Annual election. When held.</sup> <sup>Manner of electing.</sup> <sup>Commissioners shall be freeholders.</sup> <sup>Vacancy. How filled.</sup>



## OF CITIES AND TOWNS.

**Justice and persons shall hold election.** maintaining commissioners shall have power to fill the vacancy, or vacancies, thereby created until the next annual election when another or others shall be chosen for the unexpired term of the person or persons originally elected. The justice of the peace resident in the said town [or if there be none, the nearest justice of the peace] and two citizens of the said town, chosen by the people present entitled to vote, shall hold the said election and shall decide the legality of the votes offered.

**Qualifications.** They shall receive the ballots, ascertain the result, and certify the same on the books of the commissioners. At such election every male and female taxable of said town above the age of 21 years, who shall have paid the town tax last assessed to them shall be entitled to vote.

**Manner of organizing.** **Time of organizing.** SECTION 4. The commissioners first chosen under authority of Section 2 of this act shall within five days after receiving the certificates of their election meet at some suitable place, to be by them selected in the said town, and duly organize by the election of one of their own number as chairman of the board; and it shall also be the duty of the town commissioners chosen in any year thereafter to meet on the Tuesday following their election and organize the board in like manner. The chairman of the board of town commissioners shall preside at the regular meetings of the board when present, and shall perform and discharge all such duties as shall be prescribed by the ordinance and regulations of said town.

**Warrants. How signed.** In case such chairman be absent at any meeting the board may elect a chairman *pro tem* for the special occasion. The warrants on the town treasurer for the payment of any money shall be signed by the chairman of the board, or in case of his absence by the chairman *pro tem*.

**Meetings. When held.** **Occasional meetings may be held.** SECTION 5. There shall be four stated meetings of the commissioners in every year as follows to wit: On the second Saturday of May, September, January and April; and also such additional meetings as may be provided for by ordinance in that behalf, or whenever any three of the said commissioners or any twelve taxables of the said town shall in writing, addressed to the chairman of the board, request a special meeting, and in such request the object for special meeting shall be stated. At any such stated or special meeting ordinances or rules for the good government of the said town, the improvements of its streets, the repairs or construction of drains and water courses, the planting and pro-

## OF CITIES AND TOWNS.

lecting of ornamental trees, and for all other matters relating to the general welfare of the said town may be ordained and enacted.

SECTION 6. The commissioners first chosen, under authority of Section 2, and their successors in office, shall at their first stated meeting in every year determine the amount of taxes to be raised in said town for that year, including tax on real and personal property, poll tax and tax on dogs, and they shall appoint an assessor, who may or may not be one of their own number, to make an assessment of persons and property in said town, and they shall also appoint a collector and treasurer. In case the commissioners to be chosen under authority of Section 2 shall have not been chosen before the second Saturday of May, in the year 1887, then and in that case they shall hold a special meeting on the Saturday next succeeding their election, at which special meeting they shall perform the duties by this section designated and imposed.

Shall determine amount of taxes to be raised.

Shall appoint an assessor.

Shall appoint a collector and treasurer.

Special meeting to be held in certain cases.

SECTION 7. It shall be the duty of the assessor of the said town, within thirty days after his election, to make a true, correct, just and impartial valuation and assessment of all real estate and assessable personal property within said town, and also an assessment of all the male citizens residing within the said town above the age of 21 years, as well as those owning as not owning real estate within its limits; and also to ascertain the number of dogs within the said town and assess the owner or keeper of a dog, or dogs, one dollar for each male dog and two dollars for each female dog. In making assessments for other than dogs the said assessor shall be governed by the valuation fixed and ascertained by the county assessments, as well to poll tax as to real estate and personal property, and if there be any assessable property within the limits of the said town which does not appear upon the county assessment, or if there be individuals residing within the said town, who would be subject to poll tax, who do not appear upon such county assessment, the assessor shall assess all such upon a valuation and basis corresponding with the county assessment. When such assessment shall be completed the assessor shall forthwith make and return a duplicate thereof to the commissioners, and the commissioners shall forthwith give notice to the effect that they will sit together in a certain place and on a certain day, to be designated by them, not less than five days from the date of such notice between the hours of three and six o'clock in the afternoon, to hear appeals from said assessment. At such time they

Duty of assessor.

Shall be governed by county assessment.

Assessor shall make a duplicate.

Notice of time of hearing appeals.

How given.

## OF CITIES AND TOWNS.

shall have full power and authority to correct the same.

Commissioners shall fix the rate.

Duplicate and warrant to be delivered to the collector.

Powers of collector.

After such appeal day the commissioners shall forthwith ascertain and fix the rate necessary to raise the sum which they shall have determined to raise, together with the costs and expenses of collecting the same, and shall deliver the duplicate or a copy thereof, with their warrant in that behalf, to the collector of the said town whose duty it shall be collect the amount rated to each taxable. The collector shall have and be possessed of all the powers and remedies for the collection of the said town taxes as now are, or shall be hereafter, be conferred by law upon the collectors of county taxes.

Levy Court shall make annual appropriation for use of the streets.

SECTION 8. It shall be the duty of the Levy Court of Kent County annually to appropriate and pay over to the treasurer of the said town of Clayton, such sum as said Levy Court shall deem just and reasonable, to be expended and used in the maintenance or repairs of the streets of said town, which are now largely made up of parts of the public roads of Kent County, and which are now maintained at the county expense.

Aldermen.

SECTION 9. It shall be the duty of the town commissioners annually to appoint an alderman and town constable for said town, and if there be a justice of the peace resident in said town, he shall be chosen alderman.

Powers and duty of alderman.

Duty of constable.

Shall issue warrant.

SECTION 10. It shall be the duty of the alderman of the said town and of the town constable to suppress all riotous, turbulent or noisy assemblages, or gatherings of persons in or at any building used for any public assemblage in the said town, or in the streets, lanes or alleys thereof, at any time or season whatsoever, to prevent all gatherings whatsoever which may obstruct or interfere with the free use of the streets, lanes, alleys or sidewalks; and for this purpose it shall be the duty of the said town constable to seize and arrest any person so offending, and take them or him before the alderman of the said town, whose duty it shall be to hear and determine the case, and upon conviction the alderman shall sentence any person so offending to pay a fine not exceeding ten dollars, and the costs of the hearing, and may commit the party or parties to prison for a period not exceeding thirty days or until the said fine and costs shall be paid. It shall be the duty of the alderman of the said town, upon complaint made to him of any such turbulent or noisy assemblages, as aforesaid, to issue his warrant to the constable aforesaid, commanding him to arrest and bring before him any person or persons violating the provisions of this section for trial. It

## OF CITIES AND TOWNS.

shall be the duty of the constable aforesaid, to arrest upon view, any drunken or disorderly person he may find in the streets of the said town, and forthwith to take such person before the alderman, who shall hear and determine the case, and upon conviction, shall sentence the person so offending in the same manner and to the like punishment as hereinbefore provided in this section, as to other offences herein enumerated. The fees of the alderman and of the said constable for every such trial and arrest shall be 50c. to each of them for each offender. In all other cases the alderman and constable shall each be entitled to receive the same fees as are by the laws of this State, provided to be paid to justices of the peace and constables in like cases.

SECTION 11. The commissioners named in the first section of this act shall receive for their services two dollars per day for every day actually employed, and such compensation, together with the expenses of the survey, shall be paid upon their certificate by the commissioners of the said town, out of the first money which shall come into their hands from the funds of the said town.

SECTION 12. That this act shall be deemed and taken to be a public act.

*Passed at Dover, April 15, 1887.*

## OF CITIES AND TOWNS.

## CHAPTER 170.

## OF CITIES AND TOWNS.

AN ACT for the relief of the Commissioners of the town of Laurel, Sussex County.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. The commissioners of the town of Laurel in the county of Sussex, for the present year A. D. eighteen hundred and eighty-seven, be, and they are hereby authorized and directed to pay over to the commissioners of the past year, eighteen hundred and eighty-six, the amount of indebtedness incurred by said commissioners during the past year for the use and benefit of said town not exceeding the sum of one hundred dollars (\$100.00) out of any funds which may come into their hands for the use of said town the present year. And the receipt of said commissioners of the past year, or of the treasurer thereof, shall be to them a sufficient voucher for the proper expenditure of the same.

*Passed at Dover April 18, 1887.*

## CHAPTER 171.

## OF CITIES AND TOWNS.

AN ACT to amend an act entitled "An act to re-incorporate the Town of Dover."

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring):*

SECTION 1. That Section 1 of the act entitled "An act to re-incorporate the town of Dover," passed at Dover, February 27, 1879, be and the same is hereby amended by striking out the words "and sold" in the forty-ninth line of said section, and that said section be further amended by inserting after

Commissioners of the town of Laurel authorized to pay preceding commissioners a sum not to exceed \$100.

Section 1 of the act entitled, "An act to incorporate the town of Dover," amended.

## OF CITIES AND TOWNS.

the word "lots" and before the word "the" in said forty-ninth line of said section the words "And unless the same shall front upon any public street of the town of Dover which shall be laid out and opened and improved, and so far as any of said farm lands shall front upon any such public street they shall be subject to be taxed to the depth of one hundred and fifty-feet for town purposes."

*Passed at Dover, April 18, 1887.*

## CHAPTER 172.

## OF CITIES AND TOWNS.

AN ACT to amend Chapter 152, Volume 15, of the Laws of Delaware.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring therein):*

SECTION 1. That Chapter 152, of Volume 15, of the Laws of Delaware, entitled "An act to incorporate the City of New Castle," be and the same is hereby amended as follows, to wit:

Chapter 13,  
Vol. 14,  
Laws of  
Delaware,  
amended.

Strike out of the second line of Section 5, of said chapter, the words "city council" and in lieu thereof insert the word "mayor," and insert after the word "affirm" in the 23rd line of said section and the word "at" in the 24th line thereof the words following:

At any time during the said election any or all of the candidates whose names shall appear on any ticket to be voted at said election, shall be admitted into the room or place where such election is being held, either in person or by some one appointed by him for the purpose, should they so desire to be present. When the election shall be closed, the inspector and his assistants shall at once, openly and publicly, open the box containing the ballots, and proceed publicly to read and count the ballots in the presence of each other, and

Candidates  
may be ad-  
mitted to  
room where  
election is  
being held.

Ballots  
shall be  
publicly  
opened and  
counted.

## OF CITIES AND TOWNS.

Shall be  
counted  
without  
interrup-  
tion.

such of the electors as shall think proper to be present; the reading and counting of the votes shall be continued without interruption or adjournment until it is completed when the result shall be publicly announced by the inspector.

*Passed at Dover, April 20, 1887.*

## CHAPTER 173.

## OF CITIES AND TOWNS

AN ACT to amend an act entitled "An act to Re-incorporate the town of Dover," passed at Dover, February 27, 1879.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring):*

Act entitled  
An act to  
re-incorpor-  
ate the  
town of  
Dover  
amended.

SECTION 1. That the act entitled "An act to Re-incorporate the town of Dover," passed at Dover February 27, A. D. 1879, be, and the same is hereby amended by striking out in Section 1 of said act, all the words between the word "street" in the twentieth, and the word "thence" in the thirty-first line of said section, and inserting in lieu thereof, the words to a point where the northern line of said Madison street intersects the eastern line of State street; thence in a northerly direction and with the eastern line of State street to a point directly opposite the point where the western line of State street intersects the northern line of William street, as the same is laid down on a plot of lots surveyed and laid out for Rev. Thomas B. Bradford, in August and September A. D. 1870, and recorded in the aforesaid record book H., volume 5, page 133; thence across State street to the point aforesaid, where the western line of State street intersects the northern line of said William street; thence in a westerly direction and with the northern line of said William street to a point where the northern line of said William street intersects the eastern line of the Delaware railroad."

## OF CITIES AND TOWNS.

SECTION 2. *And be it further enacted,* That the town council be, and they are hereby authorized and empowered to ascertain and fix the boundaries of the street or road forming the extension or continuance of State street in said town of Dover, from its intersection with William street at the northern limit of said town to Laws mill-pond, and to prescribe the width of the roadway and footways, and ascertain and fix the curb lines thereon, in all respects as if the same were within the limits of the town. *Provided, however, nevertheless,* that nothing hereinbefore contained shall be construed as authorizing or empowering the said town council to assess, tax or in any manner charge or burden any property lying without the limits of the town of Dover or to order or require any paving, graveling or curbing to be done on the aforesaid extension of State street north of William street.

Town Council may ascertain and fix certain boundaries.

May prescribe the width of roadway, &c. not in town limits.

Provido.

SECTION 3. *And be it further enacted,* That no parcel of real estate included within the limits of the said town by the first section of this act shall become liable to any water tax until a fire hydrant or a water main shall be placed within one thousand feet of the same, and that the real estate and all the improvements now owned by the corporation known as the Dover Glass Works Company shall be exempt from the assessment and collection of any town tax for the period of ten years from and after the passage of this act.

When land included in limits shall be liable to water tax.

Dover Glass Works Co. exempt from taxation for ten years.

SECTION 4. Amend Section 22 by striking out all after the word taxation in the 8th line thereof down to and including the word "days" in the 17th line and insert in lieu thereof the following: The said assessor shall make such assessment and return the same to the council of said town written eight weeks next after the election of said assessor. The council of said town shall assess the real estate and person, and assessable personal property of the assessor. The council of said town shall as soon as conveniently may be after receiving said assessment list, cause a full and complete transcript of said assessment list to be prepared and hung up in the post office or such other public and convenient place as the said council may select in said town where it shall remain for at least ten days thereafter for public inspection, and the said town council shall on the first Monday in June

Section 22 amended.

Assessor shall make assessment and return in what time.

Transcript to be made and hung up.

*Passed at Dover, April 21, 1887.*



## OF CITIES AND TOWNS.

## CHAPTER 174.

## OF CITIES AND TOWNS.

AN ACT to allow the Town Council of Milford to issue bonds for certain purposes.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring therein) as follows, to wit:*

Town Council authorized to provide town of Milford with water.

May lay pipes and erect and establish reservoirs and works.

May purchase land.

If owners of land refuse the Town Council entry upon land, or in case of disagreement as to compensation, Council may assess damages.

Certificate of their finding. How given to resident.

SECTION 1. That the town council of Milford be and they are hereby vested with full power and authority to provide for said town an ample supply of pure water for domestic use and for the suppression of fires, and for this purpose to lay pipes for the proper conveyance and distribution of said water on any land or lands of any person or persons whomsoever, through whose lands the said town council of Milford may deem it expedient to convey said water; and to erect, make and establish all receivers, reservoirs, edifices and other works that may by the said town council of Milford be deemed necessary for the collection, conveyance and distribution of said water, and also to contract and agree with the owner or owners for the purchase of any land or lands which may be necessary for the purpose of carrying into effect the objects of this act. If the owner or owners of said land, or any of them, refuse to permit the said town council of Milford to enter upon and occupy said land or lands for the purpose aforesaid, and if such owner or owners be unable or unwilling to contract and agree with the said council upon the compensation to be made for any real or supposed injury that may be done to said lands by such entry and occupation, then the said town council of Milford shall have power and authority to go upon the said land or lands, and they, or a majority of them, after viewing the same shall assess the damages of said owner or owners fairly and impartially under all the circumstances, and certifying their finding and award in writing to the said owner or owners of said land or lands, and if such owner or owners be not resident within the said town to certify their finding and award to the holder or tenant of said real estate; but if there be no holder or tenant resident in said town the said notice may be affixed to any part of the premises, which shall be as effectual as personal service of the same. If any owner be dissatisfied with the amount of the compensation or damages allowed by the town

## OF CITIES AND TOWNS.

council of Milford as aforesaid, he or she may within ten days after such notice, as aforesaid, appeal from the said assessment of compensation or damages by serving written notice to that effect upon the president or other presiding officer of the said town council of Milford. In order to prosecute said appeal such owner or owners shall within ten days after the expiration of the ten days allowed for appeal, and upon ten days notice to the president or other presiding officer of the said town council of Milford, make written application to the associate judge of the Superior Court of this State, resident in Kent or Sussex County, for the appointment of a commissioner to hear and determine the matter in controversy; and thereupon the said associate judge shall issue a commission under his hand, directed to five freeholders of the said county, three of whom shall be residents of the said town of Milford, and two of whom shall be non-residents of said town, commanding them to assess the damages which the owner or owners of the said land or lands intended to be taken, occupied or used for the purposes of this act as aforesaid, and who shall have notified said town council of their intention to appeal, may sustain or incur by reason of such use or occupancy, and to make return of their proceedings to the said associate judge at a time therein appointed; the freeholders named in such commission being first sworn or affirmed, as in said commission shall be directed, shall view the premises, and they or a majority of them, shall assess the damages as aforesaid, and shall make return in writing of their proceeding in the premises to the said associate judge, who shall deliver said returns to the said town council of Milford, which shall be final and conclusive. The said associate judge shall have power to fill any vacancy in the commission. The amount of damages being so ascertained, the said town council of Milford may pay or tender the same to the person or persons entitled thereto within one month after the same shall be finally ascertained, or if the person or persons so entitled, reside out of or are absent from the said town during the said period of one month, then the same may be deposited to his or her credit in the First National Bank of Milford within said time, and thereupon the said property or land may be taken or occupied for the use aforesaid. In the ascertainment of damages by the freeholders aforesaid, if the damages shall be increased, the cost of the appeal shall be paid by the treasurer of the said town out of any money in his hands belonging to the town, but if said damages shall not be increased, the cost

Appeal.  
How taken.

Application  
to be made  
to the Associate  
Judge for appointment  
of a  
commissioner.

Judge to  
issue commission.

What to  
contain.

Must be  
sworn or  
affirmed.

Return to  
be final.

Damages.  
How paid.

Costs.  
How paid.

## OF CITIES AND TOWNS.

of the appeal shall be paid by the appellant. The fee to the \*stockholders shall be two dollars per day in each day, which shall be taxed as part of the costs. After the damages shall be fixed and ascertained by the freeholders as aforesaid, the said town council of Milford shall have the option to pay the damages assessed within the time aforesaid, and to proceed with the said improvement, or upon the payment of cost only may abandon their intention of taking and occupying said land or lands for the purpose aforesaid.

Council  
shall have  
option to  
pay dama-  
ges or  
abandon  
intention.

SECTION 2. That the said town council of Milford be and they are hereby authorized and empowered to do all things necessary for the location, construction and operation of the water works for furnishing the said town with an ample supply of pure water as aforesaid, and to purchase hose and hose carriage or carriages, and such other instruments and machines for use in the suppression of fires, as to them may seem expedient, and to provide for the care, maintenance and use of the same. The said town council of Milford shall have full power and authority to lay mains and branch pipes for the conveyance and distribution of water, and to make and establish receivers, reservoirs and fire hydrants in such parts of the streets of said town as the said town council of Milford shall from time to time deem expedient, and shall grant to all persons whomsoever, the privilege of using the water conveyed and distributed by them in said town, in such manner and on such terms and conditions as to them may seem just and proper, and shall pass such ordinance touching the said water, its distribution through the said town and all the streets thereof, the regulation of its use in case of fire, and its general management and control as to them, the said council, shall at any time seem most expedient.

Fire appa-  
ratus.

Water  
mains and  
hydrants.

Manage-  
ment of  
water su-  
ply.

SECTION 3. That the town council of Milford be and they are hereby vested with full power and authority to issue, for the purpose of carrying into effect the provisions of this act, bonds of the town of Milford to an amount not exceeding in the aggregate the sum of twenty thousand dollars, and of the denominations of one thousand, five hundred, and one hundred, respectively, and in such proportions as to each of these denominations as shall be determine\* by the said town council of Milford, which said bonds shall be dated on the first day of July of the years in which they may be issued, and numbered consecutively, commencing with number one, and shall bear interest from and after the date at a rate of interest not exceeding six per centum per annum, payable semi-an-

Bonds not  
to exceed  
twenty  
thousand  
dollars.

Date of  
bonds.

Bonds  
How num-  
bered.

Rate of in-  
terest

\*So enrolled.

## OF CITIES AND TOWNS.

nnually on the first days of January and July in each year while they remain unpaid at the First National Bank of Milford, Delaware, on presentation of the coupons representing said semi-annual interest on said bonds. Said bonds shall be payable at the First National Bank of Milford on the first day of July, A. D. 1907, but may be redeemed at the option of the said town council of Milford at any time after the first day of July, A. D. 1892; *Provided, however*, that if the said town council of Milford elect to redeem any of the said bonds according to these terms, such redemption shall be effected either on the first days of July or January, and in pursuance of notice signed by the president of the said town council of Milford, and the treasurer of said town, and published for the space of thirty days in one newspaper published in the city of Wilmington, one published in the town of Milford, and one published in the town of Dover, in this State; such notice shall indicate the bonds called, and in making the calls the said commissioners of the town of Milford shall call the bonds according to their number, beginning with the lowest number, and interest on all bonds so called shall cease from the date named for their redemption.

SECTION 4. That the said town council of Milford shall direct and effect the preparation, printing and sale of the bonds so authorized by this act, at such time or times, and on such terms as they may deem expedient; but that all the money, the proceeds of such sale, shall be applied to carrying into effect the provisions of this act. The form for said bonds shall be prescribed by the said town council of Milford, and shall be signed by the president of the said town council and the treasurer of said town, and shall be sealed with the corporate seal of the said corporation, and be exempt from State, county and municipal taxation. As the said coupons and said bonds are paid the same shall be cancelled in such manner as the said town council shall direct.

SECTION 5. That the said town council of Milford be and they are hereby directed and required to apply all the water rents and other revenues which may be derived from the water works provided for by this act, to paying the expenses of properly keeping up and operating said water works as directed by this act, and shall apply the surplus, if any remains, to the payment of the interest accruing on the bonds issued in accordance with the provisions of this act; and if after the payment of said interest there should still remain a surplus from the revenue of said water works the said surplus

## OF CITIES AND TOWNS.

shall be used for the redemption of said bonds in the manner provided for by this act. The said town council of Milford are hereby authorized and required to levy upon all assessable real estate in the said town, annually, a special tax sufficient to pay all the interest accruing on said bonds and all the expenses of properly keeping up and operating the said water works as aforesaid, which the rents and revenue derived from said water works may be inadequate to meet. Said town council of Milford is also authorized and empowered to levy a further special tax upon said real estate in said town annually for the purpose of establishing a sinking fund adequate to the redemption, at or before maturity, of all the bonds which may be issued under the provisions of this act; *Provided*, that the amount to be raised for the purpose of establishing a sinking fund for the redemption of said bonds shall not exceed in any one year the sum of one thousand dollars.

Special tax  
for oper-  
ating water  
works.

Sinking  
fund.  
How raised.

The sum  
raised.

Penalty for  
polluting  
water.

Fines.  
How col-  
lected.

SECTION 6. That any person or persons designedly or negligently injuring the said water works or any part thereof or obstructing the passage of water to or from the same, or in any manner polluting the water required for said water works at its source or at any point below said source, shall for every offence forfeit and pay to the said town council of Milford a fine not exceeding one hundred dollars, to be recovered by said commissioners of the town of Milford before the alderman of said town or any justice of the peace residing in Kent or Sussex counties; and the said town council of Milford shall have power to impose fines and penalties for the enforcement of all such ordinance as they shall make touching the regulation, management and protection of the water works provided for by this act.

Distribu-  
tion of  
water.

SECTION 7. That the said town council of Milford shall have full power and authority to enter upon any public road within the limits of said town for the purpose of laying pipes for the conveyance and distribution of water under the provisions of this act.

When and  
how law to  
be opera-  
tive and in  
effect.

SECTION 8. That before the provisions of this act shall go into effect, the sum or sums of money proposed to be borrowed or raised under this act, shall be submitted to and be approved by a majority of the votes cast at any special election which the said council of Milford is hereby authorized to call at such time or times as it shall deem necessary, and at any such election each owner of real estate within the town of Milford, being a resident thereof, shall have a right to cast one vote for every dollar and every fractional part of a dollar of town

Qualifica-  
tion of  
voters.

## OF CITIES AND TOWNS.

tax which is or may be assessed against his or her real estate at the time of holding such election, and notice of every such election shall be given by the secretary of said town council of Milford by public notices posted in at least ten public places in the town at least ten days before the time of such election.

SECTION 9. That the faith of the said town of Milford is hereby pledged for the payment of the bonds authorized to be issued under this act. Faith of the town pledged.

*Passed at Dover, April 20, 1887.*

## CHAPTER 175.

## OF CITIES AND TOWNS.

AN ACT to re-incorporate the town of Newark.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch thereof concurring):*

SECTION 1. The town of Newark shall be as defined in "An act for the better regulation of the streets of Newark," passed at Dover, February 5th, 1852. The town of Newark.

SECTION 2. The style and name of the corporation of the said town shall be "the council of Newark," and by that name they shall be and are hereby made able and capable in law to have, take, purchase, receive, possess, enjoy and retain to them and their successors, lands, tenements, hereditaments, goods, chattels and effects of what kind, nature or quality soever, and the same to sell, grant, demise, alien, or dispose of, to sue and be sued, implead and be impleaded, answer and be answered, defend and be defended in all courts of law and equity or any other place whatsoever, and also to make, have and use a common seal, and the same to break, alter and renew at their pleasure, and generally to have all the privileges and franchises incident to a corporation or a body politic. Corporate name. Powers.

## OF CITIES AND TOWNS.

## TOWN OFFICERS.

Officers of  
the town.

SECTION 3. The town officers shall be a council, to be composed of two members from each district of said town, and a president of said council, who shall be ex-officio a member and the presiding officer of said council, a secretary, a treasurer, town constable or constables, one assessor, collector, an alderman, and such other officers as the council by ordinance shall create and appoint.

Eligibility  
of officers.

SECTION 4. No person shall be eligible to any office who is not at the time of his election a citizen of the State and a resident of the town. The president and members of council must have resided in said town two years next before his or their election, and said president and members of council or his or their or either of their wives must be freeholders of said town.

Oath or ob-  
ligation of  
officers.By whom  
adminis-  
tered.

SECTION 5. Every officer of said town, before he enters upon the duties of his office, shall take an oath or affirmation, to support the Constitution of the United States and the Constitution of the State of Delaware, and that he will perform the duties of the office to which he has been elected, or appointed, with fidelity. The oath or affirmation may be administered by any justice of the peace, the alderman of the said town or any holding-over member of council to the president elect, who, after being sworn, or affirmed, may administer the oath or affirmation to new members of council, and to other officers of said town elected or appointed as aforesaid, and in case of the absence of said president, the same may be administered by the president *pro tempore*.

## PRESIDENT OF COUNCIL.

President.  
When  
elected.

SECTION 6. At the town election to be held on the second Tuesday in April A. D., 1887, and on the same day in every second year thereafter, the voters in said town shall vote for a president of council, who shall be elected by a plurality of all the votes cast in said town. The said president shall hold office for the term of two years, commencing on the third Tuesday in April, being the first Tuesday succeeding his election.

Duties of  
President.

SECTION 7. The president of council shall preside at all meetings of the council, appoint all committees, receive complaints of nuisances and other complaints of citizens of violation of laws and ordinances, and present the same to the

## OF CITIES AND TOWNS.

council at their first meeting thereafter for their action, and such infraction or violation of the law or ordinances as require immediate action, said president shall cause the alderman to take action upon forthwith. He shall, with the approval of council, issue and sign all licenses for every exhibition within the town of Newark, for which by Section 1, Chapter 5, of the Revised Code a license is required; he shall with said approval sign all warrants on the treasurer for the payment of any money, and shall perform such other duties as may be prescribed by any ordinance or ordinances of the town council.

Licenses.  
How obtained.

President  
to sign all  
warrants.

SECTION 8. In case of the inability of the president of council to act, council shall make appointment of a president *pro tempore* from the members of council, to act during such temporary absence or inability.

President  
pro tem.

SECTION 9. In case of death, removal from the town, resignation or refusal to act, of the president or any other elective officer of said town, or in case of the removal of any member of council out of the district in which he resided, when he was elected, the council shall make temporary appointments to supply such vacancies until the same can be filled by election under the provisions of this act. Such election shall be for the unexpired terms of such officers and shall take place at the first town election occurring more than nine days after the commencement of such vacancy, unless such vacancy shall occur in the last year of the term of said officer, in which case the temporary appointment of council shall be for the unexpired term of said officer, and until his successor shall be duly elected and qualified. The provisions of this section shall apply to any elective office to which a person, who has been elected thereto, shall be ineligible or shall fail to give bond for the faithful performance of the duties of his office (when such bond is required by law or the provisions of this act) before the notary public (when such bond is required by law or the provisions of this act) before the time fixed for entering upon the duties of his office.

Vacancies.  
How filled.

## ALDERMAN.

SECTION 10. The town council at the first stated meeting after each annual election, or as soon thereafter as practicable, shall proceed to elect by ballot some suitable person, resident in said town, to be alderman of the said town of Newark, who may or may not be a justice of the peace resident in said town, to serve as such for the term of one year, or until his successor shall be duly elected; subject, however, to be re-

Alderman.  
When, how  
and for  
what time  
elected.



## OF CITIES AND TOWNS.

moved from office at any time by a vote of two-thirds of all the members comprising the town council. Before entering upon the duties of his office he shall be sworn or affirmed by the president of the council, or by any one of the councilmen, or by any justice of the peace, to perform the duties honestly, faithfully and diligently. It shall be his duty to execute all laws enacted for the government of said town, and to carry into effect all the orders and directions of the town council made in pursuance of any law of this State, or of any ordinance that the said town council may legally make and establish; he shall have jurisdiction and cognizance of all breaches of the peace and other offenses in the said town, so far as to arrest and hold for bail, or fine and imprison offenders, and he shall also have jurisdiction and cognizance of forfeitures and penalties which may be prescribed by any law of this State, or by any ordinance of the town council regularly passed and established for the government of the town. *Provided*, that he shall not impose any fine exceeding twenty-five dollars or have jurisdiction in civil matters. He shall keep a book to be called "Alderman's Docket," in which shall be entered at large all his official acts. His fees for any service under this section shall be established by ordinance of the town council. If any vacancy shall occur in the office of alderman by death, resignation, removal from office, or otherwise, such vacancy may be filled by council at any meeting thereafter for the residue of the term. If any alderman shall be removed from his office by the council as herein provided, he shall deliver to his successor in office within two days after the election of his successor, all books and papers belonging to his office, and shall pay over to the treasurer of the town all moneys in his hand belonging to the said town within five days after his removal; upon his neglect or failure to deliver to his successor in office, within the time aforesaid, all the books and papers belonging to his office, or upon neglect or failure to pay over to the treasurer of the town, within the time aforesaid, all moneys belonging to the town, he shall be deemed guilty of a misdemeanor, and upon conviction thereof by indictment, shall be fined not less than twenty nor more than one hundred dollars.

**SECTION 11.** The alderman shall at every stated meeting of the council report to it all fines and penalties imposed by him since their last meeting, and pay to the treasurer of the town all such fines and penalties received by him during the said time, and in default of making such report or paying such fines and penalties for a period of twenty days after such

Oath of  
office.

Duties of  
alderman.

Amount of  
fine.

Fees.

Vacancy.  
How filled.

Books and  
papers to go  
to his suc-  
cessor.

Moneys.  
How paid.

Penalty for  
neglect.

Alderman  
to report all  
fines and  
amount to  
treasurer.  
Penalty for  
neglect.

## OF CITIES AND TOWNS.

report should be made and such fines and penalties should be paid as aforesaid, he shall be deemed guilty of a misdemeanor, and upon conviction thereof, by indictment, shall be fined not less than twenty nor more than one hundred dollars.

## COUNCIL.

SECTION 12. The council shall consist of six members to be elected for two years so that there shall be two members of council from each district. To the end that three members of council shall be chosen annually in regular order, beside supplying vacancies the following rules shall be observed in the election of members of council, viz: At the annual election in April, A. D. 1887, there shall be elected for each of the districts of the town one member of council to hold office for the term of one year, and for each of said districts one member of said council to hold office for the term of two years, and there shall be elected annually thereafter for each district one member of council for two years.

Council to consist of six members.

How elected.

SECTION 13. The council shall hold a meeting for organization annually on the Tuesday evening next ensuing the annual election, and shall further meet at least once in every month at such time or times and place as it shall appoint. Special meetings may be called by the president of council upon his own motion, or shall be called at the request of three members.

Meeting for organization.

When held.

Special meetings. How called.

The sittings of the council shall be public. It shall be the judge of the election returns and qualifications of its members, and of all other officers of the corporation. It shall choose its officers, except where otherwise provided for in this charter. It shall determine the rules of its proceedings and keep a record of the same. Four members shall constitute a quorum to do all business. No ordinance shall be passed without the concurrence of a majority of the members of the council, and unless it shall have had at least two readings at a previous stated meeting or meetings; nor shall any ordinance be repealed unless notice shall be given and entered on the records of the council at a stated meeting, that at the next stated meeting an ordinance would be introduced for such repeal. All questions shall be upon the call of any member; be taken by yeas and nays, which shall be entered upon the record. All elections for officers to be chosen by the same, shall be by ballot and by a majority of votes of all members of the council.

Meetings to be public.

Council to be judge of returns and qualifications of members.

Quorum.

Ordinance. How passed.

Repeal of ordinances.

Yeas and nays to be entered on record.

SECTION 14. The members of council shall constitute the

## OF CITIES AND TOWNS.

Council to be the Legislative body. legislative body of said town, and shall be denominated, when assembled, "The Council." The council shall have power to enact ordinances to preserve the health of the town, and to prevent the introduction of infectious or contagious diseases, for which its jurisdiction shall extend to any distance within one mile of the limits of the town. The council may also pass ordinances to define and remove nuisances, to ascertain and fix the boundaries of streets, squares, lanes and alleys; or repair and amend the same, and provide for the paying thereof, or to alter, extend, or widen any street, square, lane or alley, or open and lay out new ones, subject to the provisions in that behalf hereinafter contained; to regulate the ascent and descent of all streets, lanes and alleys; to fix the building lines upon the same, to direct the paving of footways and to prescribe the width thereof; to direct the laying out of gutters and to prescribe the depth thereof; to prescribe the extent of steps, porches, cellar doors, and other inlets to yards and buildings; to provide night watchers and the lighting of streets at the expense of the town, and generally to prescribe and regulate the use of the highways, streets, squares, lanes and alleys of the town, and to have and exercise control over the same, subject to the provisions in that behalf hereinafter contained, and to the general supervision and control of the general assembly, to provide for the regulations of auctions and auctioneers; also to regulate public amusements, to fix and declare the width of boundary and to regulate party walls, to provide for the safety of the citizens, and for that purpose may prescribe the height, thickness of walls and material of buildings, and the mode of erecting the same within said town; and for providing for and securing the safety of the inmates thereof, and make provisions for the enforcements of such regulations; to erect market houses and to provide for and regulate markets; to provide against the adulteration of milk and cream sold or bought to be sold in the said town, and to provide for the proper inspection of the same; to provide for the proper lighting of the streets, squares, lanes and alleys of said town, and in its discretion to provide for the payment of the expenses thereof; to provide for the measuring or weighing of coal, lime, grain, or any other matter sold in the said town; to regulate the storage of gunpowder or any other dangerously combustible matter. They shall have power to lay and collect fines on the owners of any horse, cow, dog, hog or goat, or other animal which may be found at large in any of the streets, squares, lanes or alleys aforesaid, and in general shall

Ext-nsion of ordinances.

Nuisances.

Boundaries.

Building lines and footways.

Lighting of street.

Market houses and regulate markets.

Storage of gunpowder.

Collect fines on owners of harborers of horses, dogs, &c.

## OF CITIES AND TOWNS.

have power to do all those matters and things for the well being of the said town, which shall not be in contravention of any existing laws of this State or the constitution thereof. Every bill which, after the passage of this act, shall have passed the council, shall become an ordinance of said town. The council shall not have power to pass any ordinance exempting any individual from the operation of any general ordinance or municipal regulation.

## SECRETARY.

SECTION 15. The town council shall at said meeting for organization in the year 1887, and biennially thereafter, elect by ballot a secretary, who may or may not be a member of council, and who may or may not hold at the same time the office of treasurer and assessor or either of them; said secretary to hold office for the term of two years from the date of his election, unless he be sooner removed by council, or be unable to discharge his duties, in which case, said council shall elect a successor to fill the vacancy as hereinbefore provided.

*Secretary.  
How elected.  
He may or may not be a member of council.  
To hold office for two years unless sooner removed.*

SECTION 16. The secretary shall keep in a book provided by the council for that purpose called "Record," a complete record of the proceedings of council at all meetings; he shall have in his charge the ordinances which shall be recorded in a book or books provided by council for that purpose and called "Ordinances," and all other papers of the town, and shall safely keep the same; a list of said papers stated alphabetically, shall be signed by every secretary on entering upon the duties of his office, which list shall be kept by the president of council; the said secretary shall also perform such other duties as the council may direct.

*Record of proceedings how kept.  
Papers to be kept alphabetically.*

## TREASURER.

SECTION 17. The council shall at said meeting for organization in the year 1887 and biennially thereafter, elect by ballot, a treasurer who may or may not be a member of council, and who may or may not hold at the same time the office of secretary and assessor, or either of them; said treasurer to hold office for the term of two years from the date of his appointment, unless he be sooner removed by council or be unable to discharge his duties, in which case said council shall elect by ballot a successor to fill the vacancy as hereinbefore provided.

*Treasurer to be elected annually.*

SECTION 18. The treasurer shall before entering upon the duties of his office give bond to the council of Newark in

*Treasurer's bond to be approved by council.*

## OF CITIES AND TOWNS.

double the amount of the last previous assessment, with surety to be approved by a majority of council conditioned for the faithful performance of the duties of his office, with a warrant of attorney for the confession of judgment thereto annexed.

Funds of  
town.  
How de-  
posited.

SECTION 19. All moneys belonging to the town which shall come into the hands of the treasurer shall be deposited by him at least once a month in the National Bank of Newark, in the name of the council of Newark generally, except in the case of money proceeds arising out of a bonded debt authorized for a specific purpose or use, which money proceeds shall be deposited in said bank in the name of the council of Newark for the special purpose or use for which the debt was authorized, and shall be drawn out only for such special purpose or use. All money so deposited shall be drawn out only on an order signed by the president of council and countersigned by the treasurer, or in case of the absence or temporary disability of either, then by such person as the council may designate by resolution to act in his or their stead.

Money sub-  
ject to order  
of Presi-  
dent.

Treasurer  
to furnish  
statement  
at each  
meeting.

SECTION 20. The treasurer shall furnish to the council at each stated meeting, if required, an itemized statement of all moneys received by him during the period between such stated meetings and the time at which his last itemized statement was presented, together with the aggregate amount paid out of the town treasury during said period, and the balance remaining therein at the time of making said last statement. If the town treasurer shall pay any money out of the treasury contrary to the provisions of this act he shall forfeit and pay to the corporation for every such offense a fine of two dollars, and he and his sureties shall be liable to the town officials upon his official obligation for any money so paid out by him.

Penalty for  
paying out  
money con-  
trary to this  
section.

Other du-  
ties of  
treasurer.

SECTION 21. The town treasurer shall perform such other duties as are hereafter prescribed by this act, or by such ordinances as council shall from time to time enact, and which are not inconsistent with the provisions of this act. The council may enforce by suitable penalties any duties enjoined by this act, or by such ordinance or ordinances aforesaid, except where penalties are provided by this act.

## TOWN CONSTABLES.

Town Con-  
stable ap-  
pointed by  
Council.

SECTION 22. The council of said town may appoint by ballot such number of town constables as shall be deemed by

## OF CITIES AND TOWNS.

them necessary, who with the constable of New Castle County, residing in said town, shall constitute the town police. The council of said town shall also have power and authority to remove any of the town constables at any time and appoint others in the place of those removed, if it shall be deemed necessary to make such appointments.

*Council may remove at any time.*

SECTION 23. It shall be the duty of the constable or constables of said town, or other person who may be the keeper of the prison in said town, or in charge thereof, to receive and lock up and safely keep in said prison any person committed by any judgment or sentence of the alderman or of any justice of the peace, resident of said town for violation of any of the provisions of this act or of the ordinances of said town, or of the laws of this State, for temporary confinement until such person committed as aforesaid, may be taken to the common jail of New Castle County by the officer to whom such person may have been committed, and the actual costs for all meals, medical attendance and medicines furnished such persons so committed, as aforesaid, by the said constable or other person, keeper of said prison or in charge thereof, shall be paid by council after an itemized bill thereof, verified by the affidavit of the person furnishing the same shall have been presented to the president of said council.

*Constable to lock up prisoners.*

*Expenses to be paid council.*

## SALARIES AND FEES.

SECTION 24. The president and members of council elected under this act shall serve without compensation. The compensation of those officers appointed by the council according to the provisions of this act, shall be fixed by said council: *Provided*, that the person appointed treasurer of said town shall receive in payment for his services not more than three per cent on the money disbursed from the town treasury. Council shall not have power to augment or reduce the salary of any officer for and during the period for which he shall have been elected or appointed. No officer whose salary is fixed by this act shall receive any fees or emoluments in addition thereto, except such fees as are provided in this act. But all fees and emoluments pertaining to said officers, except as aforesaid, shall be paid monthly by the person receiving the same, to the treasurer for the use of the town, taking his receipt therefor, which sum so received shall be reported to the council by the said treasurer at the next stated meeting after the receipt thereof: *Provided, however*, that when any town official shall be called by town business outside of the town limits, council shall allow to such official his actual

*President and Council to serve without compensation.*

*Compensation. How fixed.*

*Treasurer to receive not more than three per cent.*

*Fees and emoluments to be paid monthly.*

## OF CITIES AND TOWNS.

travelling expenses and such other reasonable compensation as may by council be deemed proper.

## DISTRICTS.

Districts of  
the town.

SECTION 25. The town of Newark shall be divided into three districts as follows:

Western  
district  
boundary.

The western district shall consist of all that part of said town lying and being west of the center of College street and Depot street, extended to the northern and southern boundaries respectively of said town.

Middle dis-  
trict bound-  
ary.

The middle district shall consist of all that part of said town lying and being between the said eastern boundary of said western district and the centre of Choate street extended to the northern and southern boundaries respectively of said town.

Eastern dis-  
trict bound-  
ary.

The eastern district of said town shall consist of all that part of said town lying and being east of the said eastern boundary of said middle district.

Two Coun-  
cilmen from  
each district

SECTION 26. There shall be two of said councilmen resident in, and elected from each of said districts, and said councilmen shall be elected by the residents and freeholders of the district in which said councilmen reside respectively, and by none others. No person shall vote for more than two of said councilmen.

→ Polls.  
Place of.

SECTION 27. The polls for the election to be held on the second Tuesday in April A. D. 1887, shall be established in the office of William McKeowan, Esq., in said town between the hours of one P. M. and six P. M., and annually thereafter at such time and place as the election of officers hereinafter provided for shall appoint and designate at least two weeks before the day of election.

Time of  
opening  
and closing.

SECTION 28. Whenever for any reason any polling place designated, can not be secured, the election officers or any two of them, shall have power to choose some convenient place in the town to be used as a polling place.

## TOWN ELECTIONS.

Elect-  
ors.  
Who may  
vote.

SECTION 29. At all town elections every male citizen and every freeholder (male or female) in said town, of the age of twenty-one years and upwards, having resided or been a freeholder within said town for three months next previous to the election, and having paid a town tax for the year immediately

## OF CITIES AND TOWNS.

preceding, which payment shall be evidenced by a receipt, and none others shall be entitled to vote either in person or by proxy; *Provided*, that female freeholders only shall be allowed the privilege of voting by proxy. The person who at the time of the passage of this act is treasurer of said town of Newark, together with two assistants by him selected, which said assistants shall be citizens of and voters in said town, shall hold the town election for the year 1887.

Females  
may vote  
by proxy.

Election in  
1887. Who  
to hold.

Thereafter said town elections shall be held by the treasurer of said town, together with assistants who shall be citizens of and voters in said town, appointed by the council at least one month before the annual election. Said treasurer and assistants shall be known as "election officers," and shall serve as such for one year from the date of the appointment of said assistants. The treasurer shall receive the ballots and deposit them in a box or boxes to be prepared for that purpose and the assistants shall each keep a complete list of the voters voting. When the election shall be closed, the treasurer, or one of the assistants, shall draw said ballots out of the box or boxes, open and read the same in a loud voice and pass the same over to one of the said assistants for his inspection, while third election officer shall tally the votes. In case there is a tie in the number of votes cast for the respective persons voted for for councilmen, for president of council, the treasurer shall give the casting vote. After the result shall have been ascertained the election officers shall make out certificates and deliver one to each councilman elect, and also to the president elect, with a notice of the time and place of the next meeting of the town council.

Who to  
hold elec-  
tions after  
1887.

Treasurer  
to receive  
the ballots.

Assistants  
to keep a  
list of  
voters.  
Tally to be  
kept of the  
votes.

Certificates  
of election.

Before entering upon the duties of their respective offices the councilmen elect shall be sworn in at said meeting for organization, or any other subsequent meeting, by the alderman or one of the holding-over councilmen or a justice of the peace of said town. If at any election the treasurer or any of the persons whose duty it is to hold said election, shall not be present for that purpose at the time hereinafter designated, the voters present may proceed to elect some one of their number in lieu of the treasurer or absent person. A minute of each election containing the names of the councilmen and president elect, shall be entered immediately after said election in a book provided by the council for that purpose, and subscribed by the persons holding said election. Said book together with the ballots and tally list shall be preserved by the council and shall be evidence.

Councilmen  
to be sworn.

In the ab-  
sence of  
treasurer at  
any elec-  
tion, whom  
to be chosen



## OF CITIES AND TOWNS.

## FISCAL CONCERNS OF THE TOWN.

**SECTION 30.** The town council shall at said meeting for organization in the year 1887, and biennially thereafter elect an assessor in the same manner and subject to the same conditions as hereinbefore provided for the election of a secretary and treasurer. The said assessor before entering upon the duties of his office, shall be sworn or affirmed diligently, faithfully and impartially to perform the duties of his office to the best of his ability, knowledge and judgment, which oath or affirmation may be administered to him by the president of said council or by any member thereof or by the alderman of said town or by any justice of the peace or notary public.

Assessor,  
how and  
when  
elected.

Assessor to  
be qualified.

Duties of  
assessor.

Who to be  
assessed.

Farm lands  
to be assessed  
at their  
value.

Exempt  
from town  
tax.

Dogs, how  
assessed.

Assessment  
to be com-  
pleted in six  
weeks.

Court of  
Appeals.

**SECTION 31.** It shall be the duty of the assessor of said town annually to make a true, just and impartial valuation and assessment of all the real estate within said town, and also in assessment not exceeding fifty cents per capita of all the male citizens residing in said town, above the age of twenty-one years, as well those owning as those not owning real estate within the limits of said town, and also such personal property of such citizens as is subject to county assessment and taxation. In making said assessments, farm lands shall be assessed at their value for farming purposes until they are divided up into building lots. All manufacturing plants now or hereafter established within the limits of said town employing ten or more employes shall be exempt from town taxation for the term of ten years. Any keeper or owner of male dogs shall be taxed fifty cents for each male dog kept or owned by him, and any keeper or owner of female dogs shall be taxed one dollar for each female dog kept or owned by him, provided said keeper or owner resides within said town. The said assessor shall make such assessment and return the same to the council of said town within six weeks next after the election of said assessor. The council of said town shall within ten days next after receiving said assessment list cause a full and complete transcript thereof to be hung up in said town at that place designated by the said council. On the third Monday after said list is hung up as aforesaid, said council shall hold a court of appeals, which shall continue open from one o'clock P. M. to six o'clock P. M., when they shall hear and determine appeals from the said assessment, and may make corrections of or additions to the same. Notice of the hanging up of the said assessment list, and also at the same time notice of the time and place of

## OF CITIES AND TOWNS.

hearing appeals shall be given by posting such notices in at least ten public places in the town of Newark. The determination of the council of said town upon any appeal, or upon any matter relating to such assessment shall be final and conclusive. No member of council of said town shall sit upon his own appeal, but the same shall be heard and determined by the other members of said council. After the said valuation and assessment shall be examined and adjusted by the council of said town, all taxes shall be levied, assessed and raised on the real estate, personal property and persons thus valued and assessed in just and equal proportions and rates.

Notice of time and place of hearing appeals.

SECTION 32. The council of said town, after having ascertained the sum necessary to be raised on the said town for the purposes of this act, which said sum shall in no year be less than one thousand nor more than three thousand dollars clear of all delinquencies and expenses of collection, and after having justly apportioned the same on the assessment and valuation aforesaid, shall annually in the month of May, or as soon thereafter as convenient, cause to be delivered to the collector of taxes, or in case of his absence or inability to the treasurer of said town, a list containing the names of the taxables as well as the owners of real estate as those not owning real estate, and opposite the name of each the amount of the real estate his poll and assessable personal property, and the tax on the whole valuation and assessment and the rates per hundred dollars; also the dog tax of the owner or keeper of any male or female dog as aforesaid; which lists shall be signed by the president of said council, the collector of said taxes, or in case of his absence or inability, the treasurer of said town, immediately after receiving said list shall proceed to collect the taxes rated and contained in the same, and in said collection shall have all the powers conferred by law upon the collectors of New Castle County, engaged in the collection of taxes for county purposes, and shall also have the right to attach the wages due of such persons as shall fail to pay the town taxes within six months after the same become due.

Amount of tax to be raised.

List of taxables to be signed by president of council.

Powers of collector.

Right to attach wages.

In the collection of said taxes the council of said town shall have the power and authority to order the collector of taxes, or in case of his absence or inability, the treasurer to deduct five per cent from the amount of the tax assessed against the person or property of any one who will pay such tax by the first day of August in any year following the assessment of the said tax, and if the tax assessed against any

Five per cent to be deducted if tax is paid by August.

## OF CITIES AND TOWNS.

person or property be not paid by the first of January in any year next after the assessment of the same, to order the collector of taxes or treasurer as aforesaid, to add five per cent to the amount of any tax then unpaid, and such increased amount shall be collected from any person liable for the same in the same manner as though said tax had not been increased. The council at said meeting for organization, and biennially thereafter, shall elect by ballot a collector subject to the same provisions of removal and inability as hereinbefore provided in the case of treasurer. The collector before entering upon the duties of his office shall give bond to "The Council of Newark," with sufficient surety to be approved by said council in a penal sum equal to double the amount of the taxes he is required to collect, conditioned for the faithful performance of the duties of his office, and the payment of the amount required to be collected as aforesaid to the treasurer of said town in the month of February next following his election as collector, and at such other times as the council may require, to which said bond and condition there shall be annexed a warrant of attorney for the confession of judgment of said penalty. The collector of taxes shall receive a reasonable compensation for his services to be determined by the council of said town; *Provided*, he shall not receive more than six per cent on the taxes collected by him.

**Five per cent added if not paid by January.**  
**Council to elect collector.**  
**Bond of collector.**  
**Warrant of attorney to confess judgment on bond.**  
**Power to borrow money.**  
**To issue bonds therefor.**  
**Interest on bonds.**  
**Bonds, when payable.**  
**Bonds to be under seal of the corporation and exempt from taxation.**

**SECTION 33.** The said council shall have power to borrow upon the faith and credit of the town a sum of money not exceeding \$1000 in any one year whenever the opinion of a majority of said council the needs of the town demand it. Said council shall also have authority to issue bonds therefor in the name of "The Council of Newark" at a rate of interest not exceeding five and one-half per cent per annum payable semi-annually for such amounts as they may deem best. The principal of said bonds to be made payable at such time or times not exceeding ten years from this date, and in such manner as shall be prescribed by said council. The form for said bonds shall be prescribed by said council, and shall be signed by president of said council, and sealed with the corporate seal of said town, and shall be exempt from State, county and municipal taxation; *Provided, however*, that no loan shall be created or money borrowed pursuant to this section unless authorized by a majority of the qualified voters as is hereinafter provided for the purpose of creating a system of water supply.

**SECTION 34.** Whenever twelve or more freeholders of

## OF CITIES AND TOWNS.

said town shall make written application to said council, stating that in their opinion it would be for the best interests of said town to have a system of water supply, constructed, operated and controlled by said town or other public improvement undertaken, it shall be the duty of said council within thirty days thereafter to order held an election at such time and such place as said council may direct. The time and purpose of said election shall be posted in at least ten public places in said town at least ten days prior to said election. At said election all the male and female freeholders qualified to vote at any town election, shall have the privilege of voting upon the question whether money shall be borrowed upon the faith and credit of said town, and if so, the amount thereof, in order that said system of water supply shall be adopted, or other public improvement undertaken as aforesaid. At said election each of said freeholders may cast one vote for each dollar or fraction thereof of tax paid by him or her on real estate under the last assessment. Such elections shall be held by the election officers hereinbefore provided for. If at such election a majority of the qualified votes cast shall be in favor of borrowing money for the purpose or purposes aforesaid, said council shall have full power and authority to borrow on the faith and credit of "The Council of Newark," a sum of money not exceeding thirty thousand dollars, which shall be applied and expended for the purpose of supplying the said town with water as aforesaid, or for such other purposes as the voters at said meeting may designate and direct. Said council shall have full power and authority to issue bonds for said sum of money directed to be borrowed as aforesaid in the same manner and upon the same conditions as provided in the case of other loans. Whenever the said council shall deem it necessary or expedient after the citizens shall have voted in favor of introducing a system of water supply, or undertaking other public improvements as aforesaid, to obtain or acquire any land for that purpose, that is to say, for digging wells, erecting water works, constructing basins or reservoirs, or any other matter or thing essential to supplying the town with water or undertaking or carrying on other public improvement as aforesaid, and such land cannot be procured by agreement between said council and the owner or owners thereof, the same may be taken for the purposes aforesaid, in the same manner and subject to the same conditions and proceedings as are herein prescribed for condemning and taking lands for the purpose of laying out, opening, extending or

Water supply.

Time and purpose of election.

Who to vote.

Number of votes.

Amount that may be borrowed.

Council to issue bonds.

Council may acquire lands.

Conditions.

## OF CITIES AND TOWNS.

widening any street, road, lane or alley in said town. Any person desiring to connect with said water system, shall pay to said treasurer such yearly rental as the council may fix and direct, and shall also pay such other costs and charges as council may order and direct.

Amount of  
debt.

SECTION 35. The council in the month of March in each year, shall make out a statement, setting forth the whole amount of the existing debt of "The Council of Newark" in an itemized form, the rate and amount of interest paid, and when payable, the purpose for which each loan was created, the date of the loan under which each bond was issued, the amount issued and the amount outstanding at the time of publication, also the whole receipts of the treasury for the same year, the sources from which derived, and the amount received from each source, and the total payments made during the year on account of the several appropriations and expenses; the said statement shall be open for public inspection, and a copy thereof shall be published twice in the newspaper published in said town, (if any there be) and copies of said statement shall be posted in ten of the most public places in the town.

Statement  
of expendi-  
tures to be  
open for  
inspection.

## STREETS.

SECTION 36. The several posts and mark stones now set and fixed in the earth in the middle of the streets of said town, as well as all such other posts and mark stones as shall from time to time be set and fixed in the earth by the council of said town, shall in all cases and in all courts of law within this State be deemed, taken and allowed as landmarks. The said "council" by themselves or by their servants or agents shall have the right to enter upon any land within the limits of said town and thereon and set and fix such posts and mark stones as in the judgment of said council is necessary; and if any person shall wilfully pluck up or remove any of said posts or mark-stones such person shall, for every such offense, forfeit and pay a fine of one hundred dollars; and the council may reward the informer of such offense by allowing him a portion of said penalty not exceeding a moiety thereof.

Streets.

Right to  
open.

Boundary  
marks.  
Penalty for  
removing.

Opening  
of new  
streets.

SECTION 37. That the said council shall have power upon the petition of twelve or more freeholders of said town, to locate, lay out and open any new street or streets, squares, lane or lanes, alley or alleys; or to widen any street or streets, squares, lane or lanes, alley or alleys already opened, or to reopen any old street or streets, squares, lane or lanes, alley or alleys now closed or which may hereafter be closed, allow-

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ing to the person or persons through or over whose lands such street or streets, lane or lanes, alley or alleys may pass, such compensation as the said council may deem just and reasonable, which compensation, if any, shall be paid by the treasurer of said town.

SECTION 38. That whenever the council shall determine to locate and lay out any new street, square, lane or alley, it shall be their duty immediately after the survey thereof to notify the owner or owners of the lands through or over which said street, square, lane or alley is to go, of their determination so to do, and stating the amount of damages or compensation allowed to said owner or owners. The notice shall be in writing giving a general description of the location of said street, square, lane or alley. Should such owner or owners not be residents of said town the notice shall be given to the tenant, and if there should be no tenant then the said notice may be posted up on any part of such premises. And if any owner or owners shall be dissatisfied with the amount of the damages or compensation allowed by said council, he, she or they may within ten days after said notice is received, appeal from the assessment of damages or compensation aforesaid by serving on the president of said council, a written notice to that effect, and said owner or owners shall within ten days after the expiration of the ten days allowed for appealing, and upon ten days notice to the president aforesaid, make written application to the associate judge of the superior court, resident of New Castle County, for the appointment of commissioners to hear and determine the matter in controversy; and thereupon the associate judge aforesaid, shall issue a commission under his hand, directed to five freeholders of said county, two of whom shall be residents of said town, commanding them to assess the damages which the owner or owners of the said lands through or over which said street, lane or alley is to pass. The freeholders named in said commission being sworn or affirmed, shall go upon and view the premises, and they or a majority of them, shall assess the damages and make return in writing of their proceedings in the premises to the said associate judge, who shall deliver the said return to the council of said town, which return shall be and final conclusive. Any vacancy in the commission may be filled by the associate judge aforesaid. The amount of damages so ascertained, shall be paid or tendered to the person or persons entitled thereto by the treasurer of said town, within one month after the same shall have been so ascertained. If the person or persons so entitled reside out of or are absent from

Owners to  
be notified  
after survey  
Damages.

Owners  
may ap-

Associate  
Judge to  
appoint  
commis-  
sioners.

Freeholders  
to be sworn.

Return to  
be final.

## OF CITIES AND TOWNS.

Costs of  
appeal.Option of  
Council.Five hun-  
dred dol-  
lars appro-  
priated for  
the streets.Width of  
streets.

the town during said period of one month, then the said money shall be deposited to his, her or their credit in the National Bank of Newark, and thereupon the said land may be taken and occupied for the uses aforesaid. In the assessment of damages by the freeholders appointed as aforesaid, when the damages shall be increased, the cost of the appeal shall be paid by the treasurer of said town, but if said damages shall not be increased, the cost of the appeal shall be paid by the party or parties appealing. The compensation to the said freeholders for their services shall be two dollars per day to each of them, which shall be taxed as part of the costs. After the damages shall have been ascertained and fixed as aforesaid, the said council shall have the option to pay the damages assessed within the time aforesaid, and to proceed with the said improvements or upon the payment of costs only may abandon the proposed improvements. The president and council for the time being shall have the superintendence and oversight of all the roads or streets now open or hereafter to be opened within the limits of said town, and no overseer of any such road, roads or streets shall be appointed by the levy court of New Castle County, but the road commissioners of White Clay Creek Hundred shall annually appropriate for repairs of said roads and streets, a sum of money not less than five hundred dollars, to be paid in four equal instalments on the first day of June, September, December and March respectively in each year, and shall make an order for the payment thereof to the treasurer of the town of Newark for the use of said town.

SECTION 39. Any streets hereafter to be opened within the limits of said town shall be not less than thirty feet in width between curbs, and the sidewalks thereof shall be not less than six feet in width, and when said sidewalks are paved, said pavements to be not less than four and a half feet in width.

## FOOTWAYS AND GUTTERS, &amp;C.

Footways  
and gutters.

SECTION 40. Whenever said town council shall have determined that any paving, graveling or guttering of the sidewalks or any or either or all of them, shall be done, they shall notify the owner or owners of land in front of whose premises the same is to be done, particularly designating the nature and character thereof, and thereupon it shall be the duty of said owner or owners, to cause such paving, graveling, or guttering to be done in conformity with said notice. In

## OF CITIES AND TOWNS.

the event of any owner neglecting to comply with said notice for the space of thirty days, the said council may proceed to have the same done, and when done the treasurer of the town shall as soon as convenient thereafter, present to the said owner or owners of such lands, a bill showing the expense of paving, graveling or guttering. If such owner or owners be not resident in the town of Newark, such bill may be presented to the occupier or tenant of said land, or if there be no occupier or tenant resident in the said town of Newark, such bill may be sent by mail to such owner or owners, directed to him or them at the post office nearest his or their residence. If such bill be not paid by the owner or owners of such lands within thirty days after the presentation, then it shall be the duty of said town council to issue a warrant in the name of the council of Newark under the hand of the president of said council, and the seal of the said corporation, directed to the treasurer of the town of Newark, commanding him that of the goods and chattels, lands and tenements of such owner or owners, he should cause to be levied and made the amount of the said bill, together with costs. It shall be the duty of the treasurer of the said town, as soon as convenient after the said warrant shall be delivered to him and after ten days notice to the owner or owners of such lands, and after posting five or more notices of sale, in at least five of the most public places in the said town at least ten days before the day of sale, to sell the goods and chattels of such owner or owners at public auction, or so much thereof as may be necessary to pay the amount of said bill with all costs. If no goods and chattels of such owner or owners can be found within said town sufficient to satisfy the amount of said bill with all costs, then it shall be the duty of the said treasurer of the said town after ten days notice to such owner or owners aforesaid, and after posting five or more notices of sale in at least five of the most public places of the town of Newark for at least ten days before the day of sale, and after causing such notice to be published in one newspaper printed in the said town (or if there be no newspaper printed in said town, then in a newspaper printed anywhere in New Castle County) to sell the lands and tenements of such owner or owners in front of which such paving, graveling, guttering, or either of them, have been done, or so much of said lands and tenements as may be sufficient to satisfy the amount of said bill with all costs, and a deed from the treasurer of the said town shall convey to the purchaser or purchasers of such lands and tenements as full and complete

Penalty for neglect to pave, &c.

Levy on goods and chattels, to pay for paving. &c.

Ten days notice before sale.



## OF CITIES AND TOWNS.

Claim for  
paying &c.  
to have  
priority.

title in fee simple, or otherwise, as if the same were executed by the owner or owners thereof. The claim for paving, gravelling or guttering shall be a lien on the premises in front of which the said work was done, and shall have priority over any lien, encumbrance or conveyance suffered or made by the owner or owners after the presentation of the said bill as aforesaid. It shall be the duty of the treasurer of said town to pay all bills and costs so contracted, out of the purchase money of the said goods and chattels, or lands and tenements sold as aforesaid, and the residue of the said purchase money if any, shall immediately be deposited in the National Bank of Newark to the credit of the said owner or owners.

Treasurer  
to be paid  
for sale of  
property.

Notice  
when legal.

If any new paving is ordered by said council as aforesaid, in front of lot or lots held or owned by a widow or widows as and for her or their dower, such expenses incurred as aforesaid shall be paid by the owner or owners of the reversion in fee simple. All subsequent repairs named in this act to be kept up at the expense of such tenant in dower. The treasurer of said town shall be entitled to receive \$5 for every sale of personal property under this section, and \$10 for every sale of real estate under this section, together with such additional sum or sums as may be deemed reasonable and proper by said council, for the keeping and taking care of such personal property, for selling the same, and for advertising, all of which shall be part of the costs to be paid out of the purchase money as aforesaid. Any notice required by this section to one co-owner, shall be notice to all; and in case no owner shall reside in said town, notice served upon the occupier or tenant of said premises resident in the said town, and if there be no such occupier or tenant, it shall be sufficient to said notice by mail to any owner of said premises, directed to him or her at the post office nearest his or her residence. The provisions hereinbefore contained in this section, shall apply to any order made by the council in respect to any such paving, gravelling, or guttering heretofore done, which the said council may deem insufficient or to need repairing. The said council in addition to the provisions of this section hereinbefore contained, shall have power and authority to enforce by ordinance, all the requirements of this section by imposing such fines and penalties as shall in the judgment of said council be necessary and proper.

Fines and  
penalties.

Curbing  
around  
property  
exempt  
from taxa-  
tion.

SECTION 41. The curbing and guttering outside of said curbing shall be done by council at the expense of the town, except in case of property exempt from taxation, in which

## OF CITIES AND TOWNS.

case the owner or owners of said exempt property shall pay for the curbing and guttering outside said curbing, and in case said owners refuse so to curb and gutter, said council may proceed to have the same done, and collect the expense thereof in the same manner and by the same proceedings as are hereinbefore provided, in case of paving, graveling and guttering sidewalks, footways, etc., where the owners of property refuse to pave, gravel and gutter sidewalks and footways in front of their property. Said curbing shall be of the best dressed curbing stone, shall not exceed five inches in thickness and twenty-two inches in depth, and shall be subject to the approval and discretion of council.

## RAILROADS.

SECTION 42. The council of said town shall have power and authority by ordinance to require the construction, erection, repair and operation of gates at all railroad crossings within the limits of said town, and in case any railroad company upon such request to construct, erect, repair and operate such gates for the space of two weeks after demand made as aforesaid, then said council may have gates constructed, erected, repaired and operated, and the expenses of the same shall be a debt due from said railroad company to said town and collectable from said railroad company or companies by the same proceeding or proceedings as are hereinbefore provided for the collection of amounts due from property-holders for the paving, etc., of sidewalks, by said council in front of property of said owners.

Railroads.  
Gates at  
crossings.

## TOWN MAP.

SECTION 43. The map of the town, according to the description herein contained, showing all of the streets, squares, lanes and public alleys of the said town, with their several dimensions, ascents and descents, and which upon approval by the council is hereby required to be signed by the president of the council, sealed with the corporate seal, and deposited and kept signed and sealed, is hereby required to be deposited and kept in the office for recording deeds in and for New Castle County and which map and the duplicate thereof are by this act made public records, and the same or an office copy thereof made competent evidence, shall be deemed and taken to be the true map, plan or ground plot of said town, and all the streets, squares, lanes and alleys of the town shall be and remain as they shall be laid down upon said map, with such extensions and alterations as have been or may hereafter

Map of the  
town.

To be kept  
in the Re-  
corder's  
office.

Evidence.

## OF CITIES AND TOWNS.

be made by authority of the laws of the State. The ascents and descents of all the streets, lanes and alleys within the town shall be regulated and fixed conformably to said map. but the council may by ordinance (to be passed by vote of two-thirds of all the members thereof) for the time being regulate and fix the ascents and descents of all streets, lanes and alleys within the said town, the ascents and descents of which are not marked and laid down on the aforesaid map or plan.

## PARTY WALLS AND FENCES.

Party walls and fences. SECTION 44. The town council shall from time to time, upon application made to it, enter any lands in order to set the foundations and regulate the walls to be built between party and party within the said town, as to the breadth or thickness thereof, which foundation shall be laid equally upon the lands of the persons between whom such party wall is to be made; and the first builder shall be reimbursed one moiety of the charges of such party wall of for so much thereof as the next builder shall have occasion to make use of, before such next builder shall use, or break into said wall, and the charge or value thereof shall be determined by the said council, or a majority thereof. Either party may appeal to the council at its next stated meeting, which shall finally adjust the matter and make such order for the payment of costs as it shall deem just.

Council to regulate party fences SECTION 45. If any person shall begin or lay the foundation of any party wall or other building, as aforesaid, except in conformity to the provisions of the foregoing section, every such person, as well employer as master builder, shall for such offense forfeit and pay a fine of twenty dollars.

SECTION 46. The said council, or a majority thereof, shall regulate all partition fences in the said town; such fences shall be made in the manner generally used, and kept in good repair at the equal expense of the parties, to be recoverable before the alderman as debts of like amount are recoverable before a justice of the peace; *Provided*, that the costs of making the same do not exceed twenty-five dollars for every hundred feet in length, and so in proportion, unless the owners or possessors, between whom such fences is erected, otherwise agree.

## DRAINAGE.

Jurisdiction of drainage. SECTION 47. The council shall have the entire jurisdiction and control within the limits of said town of the drainage thereof,

## OF CITIES AND TOWNS.

and the right to alter and change the course and direction of any of the natural water courses, runs or rivulets within the limits of said town; and may pass ordinances for the opening of gutters, drains and sewers within the limits thereof. And the regulating and maintaining, cleansing and keeping the same and the natural water courses, runs and rivulets within the said limits open, clear and unobstructed; and for that purpose may authorize the entry upon private lands and take, condemn and occupy the same in the same way and under the same rules and procedure as is hereinbefore provided in case of streets, etc., and by general regulations prescribe the mode in which they shall be altered, changed, opened, maintained, cleansed, and kept open and unobstructed, and who shall bear the expenses thereof, and may in its discretion assess the costs thereof upon the persons and property, real and personal, of those particularly benefited thereby, or of those owning or holding lands through or along which said sewers, drains or water courses shall flow or pass, and prescribe the mode of collection thereof; *Provided*, that nothing herein contained shall be construed to authorize the taking of private property for public use without just compensation.

*Costs of  
drainage.*

## FINES, FORFEITURES AND PENALTIES.

SECTION 48. All fines and forfeitures incurred under this act, or under any ordinance of said town, shall, except in cases otherwise provided for by law, be enforced, collected and paid into the town treasury for the use of the corporation.

*Fines, for-  
feitures and  
penalties.*

SECTION 49. The printed copies of the ordinances and resolutions of the council of Newark, whether of a public or private nature, published by authority of council, shall be admitted as evidence thereof in all courts and on all occasions, and in pleading it shall not be necessary to recite or draw them out at large.

*Printed or-  
dinances to  
be evidence.*

SECTION 50. All acts or parts of acts inconsistent with or manifestly superceded and supplied by the provisions of this act are hereby repealed.

*Repealed  
acts.*

SECTION 51. This act shall be deemed and taken to be a public act, and shall be construed most favorably for the corporation.

*Public act.*

SECTION 52. That the town election of the said town held on the twelfth day of April, A. D. 1887, is hereby made as

*Election in  
April 1887,  
legalized.*

## OF CITIES AND TOWNS.

legal, effective and binding in all respects as if this act had have been passed at the time the said election was held; and the persons so elected are hereby made subject to and vested with all the authority and provisions heretofore contained.

*Passed at Dover April 21, 1887.*

## CHAPTER 176.

## OF CITIES AND TOWNS.

## AN ACT to incorporate the town of Kenton.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch thereof concurring):*

- |                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|--------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Commi-<br>sioners. | SECTION 1. That Thomas E. Bailey, Stephen Walker, James B. Messick, Joshua M. Arthurs and Alexander Frazier are hereby appointed commissioners of the town of Kenton, and they and their successors in office to be chosen as hereinafter provided, shall be a body politic and corporate, in                                                                                                                                                                                                                                                                  |
| Corporate<br>name. | fact and in law, by the name of the "Commissioners of the town of Kenton," and by that name shall sue and be sued, plead and be impleaded in all courts of either law or equity in this State, and may have and use a common seal with such device or devices as they shall think proper, with power to                                                                                                                                                                                                                                                        |
| Power.             | alter the same as may be deemed expedient, to purchase, hold, receive and enjoy any lands or tenements, and also personal property, and to alien, grant, sell and dispose of the same in such manner and form as they may deem expedient.                                                                                                                                                                                                                                                                                                                      |
|                    | In addition to the powers hereinbefore conferred, they shall have power to regulate the streets and the lighting of the same, lanes, alleys and sidewalks of said town, and may direct the latter, or such part thereof as they may determine, to be paved or otherwise improved at the expense of the owner of the ground adjacent. On the complaint of any citizen, to examine any chimney, stove pipe, fixture, or any other matter dangerous to the town, and if adjudged dangerous, to require and compel it to be repaired, remedied or removed; to pre- |

## OF CITIES AND TOWNS.

vent, remove nuisances therein, to prohibit the firing of guns or pistols, the making of bonfires, or setting off fire works, or any dangerous sport or practice, and to prevent or suppress any noisy or turbulent assemblages of negroes, boys, or any other parson within the town, and generally they shall\* all the powers necessary to preserve and maintain peace and good order in said town.

SECTION 2. That the commissioners herein named shall continue in office until the first Monday in March A. D., 1888, on which day in that year, and on the same day in every year thereafter, there shall be held an election in the said town of Kenton, at Carvin's Hotel, from the hour of two o'clock P. M., until the hour of four o'clock P. M., for five commissioners, who shall be residents of said town and freeholders therein.

Term of  
office of the  
commis-  
sioners.

Place of  
holding  
election.

The said election shall be held by two persons chosen by the persons entitled to vote present, who shall receive the ballots, ascertain the results and certify the same in the books of the commissioners. At such election every male taxable, of said town above the age of twenty-one years, and who shall have paid the town tax last assessed to him, shall be entitled to vote. The persons aforesaid holding the election shall be the judges of said election and shall decide on the legality of the votes offered. Which said commissioners shall hold their office for the term of one year or until their successors are elected, and if any vacancies shall occur in said board of commissioners, by death, resignation, refusal to serve, or otherwise, of any member thereof, the remaining commissioners shall have the power to fill such vacancy or vacancies.

Who shall  
hold elec-  
tions.

Qualified  
voters.

Term of  
office

SECTION 3. That there shall be four stated meetings in every year of the said commissioners, viz: On the last Monday in March, June, September and December, at which meetings they may pass all such ordinances or rules for the good government of the said town, the improvement of the streets, the paving, or other improving of the sidewalks, the proper lighting of the streets, the planting and protection of ornamental trees, the repairs and making of public pumps, and for all other matters relating to the said town, its police, improvement, ornaments and general welfare as said commissioners may deem proper; *Provided*, the same be not repugnant to the Constitution and Laws of this State and of the United States.

Number of  
meetings  
and time of  
holding.  
Duties.

\*So enrolled.

## OF CITIES AND TOWNS.

By such ordinances they may impose fines, penalties and forfeitures, and provide for their collection; also the commissioners shall have authority to call special meetings of the commissioners whenever they deem such meetings necessary, and\* all such meetings they shall have the right to transact any business that they have authority to transact at regular meetings, and the commissioners shall receive for their services no compensation. The said commissioners shall, at their first meeting after their election, elect one of their members as president of said board of commissioners, whose duty it shall be to preside at the meetings of council, have the general supervision of all the streets, lanes and alleys in said town, and of the persons who may be employed by the town commissioners, receive complaints of nuisances and other complaints of citizens of violation of laws and ordinances, and present the same to the commissioners at their first meeting for their action, and such infraction or violation of the law or ordinances as require immediate action, to cause the same to be proceeded on before the alderman. He shall sign all warrants on the treasurer for the payment of any money, and shall perform such other duties as may be prescribed by any ordinance or ordinances of the town commissioners.

SECTION 4. That the commissioners herein named, and their successors in office, shall at their first stated meeting in each year, determine the amount of tax to be raised in said town for that year, not exceeding one hundred dollars, including tax on real and personal property and poll tax, and shall appoint one or more assessors who may or may not be of their number, to make an assessment of persons and property in said town, and shall also appoint a collector and treasurer. It shall be the duty of the assessor or assessors of said town, within two weeks from his or their appointment, to make a true, just and impartial valuation and assessment of all the real estate and assessable personal property within said town, and also an assessment of all the male citizens residing in said town above the age of twenty-one years, as well as those owning real estate as those not owning such estate within the limits, at least twenty-five cents per head; and the said assessor or assessors shall forthwith, after making such assessments, deliver to the commissioner for the time being a duplicate containing the names of all the persons assessed and the amount of their assessment, distinguishing the real and personal assessment of each. When the assessment is returned the commissioners shall give five days public notice of

\*So enrolled.

## OF CITIES AND TOWNS.

the fact, and they will sit together at a certain place and on a certain day, to be designated by them, from one till four o'clock in the afternoon, to hear appeals from the said assessments. They shall have power on such day to add to or decrease any assessment. When the appeal day is past they shall without delay cause the assessment list to be transcribed and the transcript to be delivered to the collector, who shall thereupon collect from each taxable his proportion of the tax laid and pay over the whole amount deducting commissions and delinquencies (which shall be allowed by the commissioners) to the treasurer by the first day of September next after the receipt of his duplicate. The collector shall have the same power for the collection of said taxes as are conferred by law on the collectors of county taxes.

*Commissioners sit to hear appeals.*

*Transcript to be delivered to collector.*

*Time of payment.*

SECTION 5. That the commissioners or a majority of them shall have authority to employ and use the money in the treasury of the town for the general improvement, benefit and ornament of the said town as they may deem advisable, and all the money paid out by the treasurer shall be paid upon the order of the commissioners or a majority of them.

*May use money in treasury for benefit of the town.*

SECTION 6. That any ordinance for the paving or improving of the sidewalks shall apply only to those persons owning the property fronting upon them who, and who alone, shall bear the expense of making the pavements or other improvements ordered. If such ordinance be not complied with in three months, the commissioners may procure the materials and work to be found and done, and collect the expense of the same, on ten days notice by advertisement at three of the most public places in said town, out of the personal or real estate of the person in default situate in said town. The sale may be made by any person whom the commissioners may depute for that purpose, and if the proper notice has been given the sale shall be valid and shall transfer all the title of the person in default in such property to the purchaser; subject to prior liens and incumbrances. The money realized from the sale shall be paid to the treasurer for the use of the town, but if there be any surplus after meeting the claims for which the sale was made, such surplus shall be paid to the person in default. The commissioners shall allow reasonable fees\* seizing the property and making sale.

*Expense of improvements. How borne.*

*Commissioners may order work done upon non-compliance with ordinance and collect expense of same by sale.*

*Money realized from sale. How applied.*

SECTION 7. That the president and commissioners, for the time being shall have the superintendence and oversight of all the roads and streets now open, or hereafter to be

*President and commissioners to have superintendence of streets, &c.*

\*So enrolled.



## OF CITIES AND TOWNS.

Levy Court  
annually  
shall make  
appropriation.

opened, within the limits of said town, and no overseer of any such roads or streets shall be appointed by the Levy Court of Kent County, but the said Levy Court shall annually appropriate for the repair of said roads and streets a sum of money not less than fifty dollars, and shall make an order for the payment thereof to the treasurer of the town of Kenton for the use of said town.

Treasurer  
and collector  
to be sworn  
or affirmed.

SECTION 8. That the treasurer and collector shall be severally sworn or affirmed to discharge their respective duties with fidelity; such oath or affirmation may be administered by any person authorized by the laws of this State to administer oaths, or by the president of the Board of Commissioners. They shall also before entering upon the duties of their

shall give  
bond.

office give bond to the town of Kenton with sufficient surety, to be approved by the commissioners of said town, in the penal sum of double the amount of what may be likely to come into their hands, conditioned for the faithful discharge of the duties of their said office and for the payment to their successor in office of all sums of money belonging to said town which may remain in their hands upon the settlements of their accounts, to which said bond and condition there shall be annexed a warrant of attorney for the confession of judgment for said penalty. The said treasurer shall pay all orders drawn on him by order of said commissioners and signed by the president thereof out of any moneys in his hands belonging to said town. He shall settle his accounts with the said commissioners annually in the month of February, and after and at such other times as the said commissioners may require.

Duties of  
the Treasurer.

Compensation.  
Provido.

The treasurer, clerk, and assessor of said town shall each receive a reasonable compensation for their services to be determined by the commissioners of said town. *Provided*, the compensation of the said treasurer as such shall not exceed two per cent on all moneys received by him belonging to said town, and of the treasurer acting as collector shall not exceed eight per centum on the taxes collected by him.

Shall elect  
an alderman.

SECTION 9. That the town commissioners at their first meeting, or as soon thereafter as convenient, shall annually proceed to elect by ballot some suitable person, resident in said town, to be alderman of the town of Kenton, who may or may not be a justice of the peace, resident of said town to serve as such for the term of one year, or until his successor shall be duly elected, subject, however, to be removed from office at any time by a vote of two-thirds of all the members of the board of town commissioners. Before entering upon

## OF CITIES AND TOWNS.

the duties of his office he shall be sworn or affirmed by the president of the board of commissioners or by any one of the commissioners to perform the duties of his office with fidelity.

*Alderman shall be sworn or affirmed.*

SECTION 10. That the commissions of said town may appoint such number of town constables as shall be deemed necessary, who, with the constable of Kent County residing in said town, shall constitute the town police. The commissioners of said town shall also have power and authority to remove any of the town constables at any time and appoint others in their place of those removed, if it shall be deemed necessary to make such appointments.

*Commissioners may appoint constables.*

*May remove constables.*

SECTION 11. That the commissioners shall appoint a town clerk who may or may not be one of their number, who shall keep a record of the proceedings of the commissioners and the same shall be evidence.

*Commissioners shall appoint a town clerk.*

SECTION 12. That it shall be the duty of the alderman of said town, and of the constables of Kent County residing in said town and of the town constable, to suppress all rioters, turbulent, disorderly, or noisy assemblages or gatherings of persons in or about any building used for any fair, festival, concert, or any other social, literary or religious meetings, or any entertainment whatsoever, or in the streets, lanes, squares, or alleys of said town, at any time or season whatever, to prevent all gatherings whatever which may obstruct or interfere with the free use of the streets, lanes, alleys or sidewalks, and for this purpose it shall be the duty of any of said constables to seize and arrest any such persons so offending, and carry him or them before the alderman of said town, whose duty it shall be to hear and determine the case, and upon conviction before him, the alderman shall sentence any such person so convicted, to pay a fine not exceeding ten dollars, and may commit the party or parties to prison for a period not exceeding thirty days, or until said fine and costs shall be paid. It shall be the duty of alderman of said town, upon complaint made before him of any such rioters, \*turbulent or noisy assemblages or gatherings as aforesaid, to issue his warrant to any of the constables aforesaid, commanding him to arrest and bring any such person so offending as aforesaid before him for trial. It shall be the duty of the constable aforesaid, or of any one of them, to arrest any drunken or disorderly person they may see on the streets of said town, and take such person so arrested before the alderman of said town

*Duty of the alderman and constables.*

\*So enrolled.

## OF CITIES AND TOWNS.

Fees of  
alderman  
and con-  
stable.

Additional  
fee. When.

Proviso.

Limits of  
the town.

who shall proceed forthwith to hear and determine the case, and upon conviction before him, he shall sentence such person in the same manner and to the same punishment provided in this section for the punishment of persons brought before him for the offence in this section first enumerated. If upon view of the person or persons who may be brought before the alderman of said town for violation of this section, it shall appear to the alderman that in his judgment, such person or persons are not in and condition to be heard a trial, he may use his own discretion in fixing or appointing a time for trial for all such person or persons brought before him for violating this section. The fee to the alderman of said town for the trial of any cause under this section, shall be fifty cents, and to the constable making the arrest fifty cents. In case of commitment, the constable shall receive an additional fee of two dollars, and the keeper of the jail shall be entitled to a fee of fifty cents for each commitment, whether by a constable or by the alderman of said town, and he shall be entitled to the same pay for board of the person so committed as is allowed by the levy court for board of prisoners. *Provided*, the town shall pay for the board of all prisoners committed to jail for violation of the charter or by-laws of the town of Kenton, and in all cases of fees for the alderman and constable not herein provided for they shall be entitled to receive the same fees as are specified by law to be paid to justices of the peace and constable in like cases.

SECTION 13. That the limits of said town of Kenton shall be as follows, to wit: Beginning at a stone on the south-east side of Commerce street thirty-five and one-half ( $35\frac{1}{2}$ ) perches from the center of Main street at the intersection of Main and Commerce streets, and on a line of the lands of Joseph A. Godwin, M. D.; thence south one and one-fourth ( $1\frac{1}{4}$ ) degrees east through the lands of Joseph A. Godwin, aforesaid, lands of Francis Greenwell, and lands of William H. Moore, twenty-eight and three-tenths ( $28\frac{3}{10}$ ) perches to a gate post at the south-eastern extremity of Frazer street; thence south forty-six and one-fourth ( $46\frac{1}{4}$ ) degrees west, on a line between the lands of Francis Greenwell and the lands of Joshua M. Arthurs, fourteen and two-fifths ( $14\frac{2}{5}$ ) perches to a stone, a corner for the lands of Joshua Arthurs and lands of others; thence north sixty and one-fourth ( $60\frac{1}{4}$ ) degrees west through the lands of David S. Wilds and lands of John Poore \*and one-fifth  $70\frac{1}{5}$  perches to a point on the southeast side of Main street opposite the southwest limits of

\*So enrolled.

## OF CITIES AND TOWNS.

the lands of Kenton public schools; thence north thirty-one degrees and forty minutes west, crossing Main street and in a line between land of the Kenton public schools and the lands of David S. Wilds, eleven and three-fourths ( $11\frac{3}{4}$ ) perches to a point, a corner for the lands of Kenton public schools and the lands of David S. Wilds; thence north fifty-six and three-fourths ( $56\frac{3}{4}$ ) degrees east on a line between the lands of Kenton public schools and lands of David S. Wilds, nineteen and three-tenths perches to a point, a corner for the lands of Kenton public schools and the lands of David S. Wilds; thence north thirty-one degrees and forty minutes west through the land of David S. Wilds and lands of the Pennsylvania Railroad Company fifty and one-fourth ( $50\frac{1}{4}$ ) perches to a point in the center of the Delaware and Chesapeake railroad; thence up said railroad in the center of road bed between main track forty-eight and one-tenth ( $48\frac{1}{10}$ ) perches to a point in the center of said track northeast of and twenty-two and one-tenth ( $22\frac{1}{10}$ ) perches from Commerce street railroad crossing and opposite the northeast side of Cooper street; thence south fifty-one and one-fourth ( $51\frac{1}{4}$ ) degrees east through the lands of the Pennsylvania Railroad Company and on the northeast side of Cooper street fifty-eight ( $58$ ) perches to a point, a corner for the lands of William H. Cooper, M. D., and the southeast extremity of Cooper street; thence continuing with same bearing, viz: South fifty-one and one-fourth ( $51\frac{1}{4}$ ) degrees and through the lands of the said William H. Cooper, M. D., and across Main street ten and nine-tenths ( $10\frac{9}{10}$ ) perches to a point on the southeast side of Main street twenty-three and one-half ( $23\frac{1}{2}$ ) perches from the center of Commerce street at the intersection of Main and Commerce street; thence south three and one-half ( $3\frac{1}{2}$ ) degrees east through the lands of Thomas E. Bailey and across Commerce street thirty two and one-tenth ( $32\frac{1}{10}$ ) perches to the place of beginning.

*Passed at Dover, April 22, 1887.*

## OF THE CITY OF WILMINGTON.

## CHAPTER 177.

## OF THE CITY OF WILMINGTON.

AN ACT amendatory of the Charter of the City of Wilmington.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch herein concurring):*

Section 68,  
Chapter 207  
Vol. 17,  
Laws of  
Delaware,  
amended.

SECTION 1. That section 68 of an act entitled "An act to revise and consolidate the statutes relating to the city of Wilmington," passed at Dover, April 13, 1883, being chapter 207, volume 17, laws of Delaware, be, and the same is hereby amended by striking out and repealing all of said section after the words and figures "Section 68" and inserting in lieu thereof, the words following to wit: In any appropriation for fire companies in the city of Wilmington by the council, the amount granted to any one company shall not be in excess of three thousand dollars in any one fiscal year, except that said council may grant an additional sum not exceeding two hundred dollars annually to the Washington Steam Fire Engine and Hook and Ladder Company, for the hook and ladder apparatus of said company.

Council  
shall not  
grant more  
than \$3,000  
to any one  
company.

Section 117  
amended.

SECTION 2. That section 117 of the act aforesaid, be, and the same is hereby amended by adding at the end of the said section, the words following, to wit: Whenever the council shall deem it necessary to take any turnpike road within the limits of the city of Wilmington, (as the same now or hereafter may be extended) for the purpose of converting the same into a public street or highway, the same may be done under the provisions of law at present existing for extending, widening, laying out or opening any street, square, lane or alley, and the methods of procedure in such cases shall be made as near as may be conformable thereto."

*Passed at Dover, February 7, 1887.*

## OF THE CITY OF WILMINGTON.

## CHAPTER 178.

## OF THE CITY OF WILMINGTON.

AN ACT relating to the government of the City of Wilmington.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, two-thirds of each branch thereof herein concurring:*

SECTION 1. At the last stated meeting of council in the month of June, A. D., 1887, and at the same time in every third year thereafter, the council shall proceed to elect by ballot a city clerk, who shall also be the clerk of council, a clerk of the market, who shall also be sealer of weights and measures used within the public markets and market houses of the city of Wilmington, a bailiff of council, who shall be charged with the care and custody of all that portion of the City Hall property not used or occupied by the Municipal Court or the police department of said city, and an inspector of oils and fluids used for illuminating purposes within the limits of the city. The terms of office of the several officials herein designated, shall commence on the first day of July next ensuing their election, and shall be for the term of three years, and the terms of office of the present incumbents are hereby extended until the first day of July A. D., 1887. The salaries of the several officials herein provided for, shall be the same as is now fixed by law for the present incumbents, except the clerk of the market, who shall receive a salary of seven hundred and fifty dollars per annum, together with all the fees and emoluments which by any law or ordinance, he is entitled to receive as such clerk of the market. The salaries provided for by this act shall be payable in the same manner and at the same time as other city salaries are now payable.

Time of election of city clerk and other officers.

Terms of office.

Terms of present incumbents extended.

Salaries. How payable.

*Passed at Dover, March 1, 1887.*

## OF THE CITY OF WILMINGTON.

## CHAPTER 179.

## OF THE CITY OF WILMINGTON.

AN ACT to amend Chapter 600, Volume 17, Laws of Delaware.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch herein concurring):*

Section 5.  
Chapter 600  
Vol. 17.  
amended.

Unlawful  
for persons  
to expose  
for sale,  
beef, pork  
or mutton  
in any curb-  
stone mar-  
ket unless  
fed upon  
lands of  
such person  
40 days  
prior to  
slaughtering.

Shall not  
expose for  
sale in such  
market  
more than  
six head a  
year.

Penalty for  
violation of  
act.

Persons ex-  
posing for  
sale beef,  
pork or  
mutton  
must make  
oath.

Form.

SECTION 1. That Section 5 of Chapter 600, Volume 17, Laws of Delaware, be stricken out and the following inserted in lieu thereof: That no person shall expose for sale in any farmers' and truckers' curbstome market, now or hereafter existing within the limits of the city of Wilmington, any beef, or pork, or mutton, unless the same shall have been fed upon lands occupied by such person for a period of at least ninety days before slaughtering the same. No person shall expose for sale in any such market, any veal meat, except such be the product of such persons own cows upon lands occupied by such person. No person shall expose for sale in any such market more than six head of beef cattle in any twelve consecutive months. Whosoever shall offend against the provisions of this section shall be guilty of a misdemeanor, and upon conviction thereof, by the Court of General Sessions of the Peace and Jail Delivery for the County of New Castle, shall forfeit and pay a fine of not less than fifty nor more than one hundred dollars, or imprisoned in the county jail for a period not exceeding thirty days or both, at the discretion of the court.

SECTION 2. That Section 6 of said chapter be stricken out and the following be inserted in lieu thereof: No person shall expose for sale in any farmers' and truckers' curbstome market, now or hereafter existing within the limits of the city of Wilmington, any beef, or pork, or mutton, without having previously taken and subscribed an oath or affirmation before the city clerk of Wilmington that he is a farmer or trucker (as the case may be) that he will not expose for sale in any farmers' and truckers' curbstome market now or hereafter existing within the limits of the city of Wilmington any beef, or pork, or mutton, unless the same shall have been fed upon lands occupied by him for a period of at least ninety days before slaughtering the same, nor any veal meat except such be the product of his own cows upon lands occupied by him; nor more than six head of beef cattle in any twelve consecutive

## OF THE CITY OF WILMINGTON.

months. The said clerk shall thereupon issue to such farmer or trucker a certificate of the taking of such oath or affirmation. The said oath or affirmation, and a record of the issuing of the certificate as aforesaid shall be entered in a book kept by the city clerk for that purpose. The said oath or affirmation and the certificate so given as aforesaid shall only avail the person so taking and receiving the same up to the thirtieth day of April next after the same has been so taken and received.

Certificate  
to be issued.  
Oath to be  
recorded.

Any person who shall expose for sale to any person in any such farmers' and truckers' curbstome market beef, or pork, or mutton, except as heretofore provided, shall be deemed to have violated this act, and the acts to which this is an amendment.

Persons ex-  
posing beef,  
&c., for sale  
except as  
provided,  
deemed  
guilty of  
violating  
this act.

SECTION 3. That Section 7 of said chapter be amended by striking out the first twelve lines and the first two words of the thirteenth line of the said section, and inserting in lieu thereof the following: Any person who shall expose for sale in any farmers' and truckers' curbstome market, now or hereafter existing within the limits of the city of Wilmington, any beef, or pork, or mutton, without having first made the oath or affirmation, and obtained the certificate, as provided for by Section 6 of the said act, shall be deemed guilty of a misdemeanor, and upon conviction thereof by the Court of General Sessions of the Peace and Jail Delivery for the County of New Castle, shall forfeit and pay a fine of not less than twenty dollars nor more than fifty dollars, one-half of said fine to be paid into the city treasury and one-half to the informer.

Persons ex-  
posing for  
sale, beef,  
&c., with-  
out making  
oath  
deemed  
guilty of a  
misdemean-  
or.

Penalty.

*Passed at Dover, March 10, 1887.*



## OF THE CITY OF WILMINGTON.

## CHAPTER 180.

## OF THE CITY OF WILMINGTON.

AN ACT to re-enact, renew and extend Chapter 447, Volume 15, Laws of Delaware.

## Preamble.

WHEREAS, The tracts of land described and bounded in the preamble and act entitled "An act in relation to taxation in certain parts of the city of Wilmington," passed at Dover March 15th, 1877, volume 15, chapter 447, Laws of Delaware, are still very sparsely inhabited, have very few buildings thereon erected, being mainly devoted to agricultural and grazing purpose, and still derive very little if any benefit from being in the city limits.

*Therefore, be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch thereof concurring herein):*

Chapter 447  
Vol. 15,  
Laws of  
Delaware,  
continued  
in force to  
Dec. 31,  
1896.

SECTION 1. That the said act being chapter 447 of volume 15 of the Laws of Delaware, be, and the same is hereby re-enacted, renewed, extended and continued in force from the date of the passage of this act until the thirty-first day of December, A. D. 1896, and no longer.

*Passed at Dover, March, 28 1887.*

OF THE CITY OF WILMINGTON.

CHAPTER 181.

OF THE CITY OF WILMINGTON.

AN ACT to authorize "The Mayor and Council of Wilmington" to borrow a certain sum of money and to provide for the repayment thereof.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch thereof herein concurring):*

SECTION 1. That the mayor and council of Wilmington is hereby authorized under an ordinance or ordinances duly passed by "The Council" to borrow upon the faith and credit of the city, the sum of seventy thousand dollars, the repayment of which sum, together with such interest as may be due thereon, to be made as hereinafter provided.

Mayor and Council authorized to borrow \$70,000.

SECTION 2. The sum of money hereinbefore authorized to be borrowed, shall be secured by the issuance of a certificate or certificates of indebtedness in the name of "The Mayor and Council of Wilmington," to the amount of seventy thousand dollars, which said certificate or certificates of indebtedness shall be redeemable together with any interest which may be due thereon on or before the first day of August, A. D. 1887.

Certificates to be issued.

When redeemable.

SECTION 3. Such an ordinance or ordinances as are necessary to issue the certificates of indebtedness hereinbefore provided, may be introduced, read three times and passed at any one session of "The Council."

Ordinances. How passed

*Passed at Dover, March 30, A. D. 1877.*

## OF THE CITY OF WILMINGTON.

## CHAPTER 182.

## OF THE CITY OF WILMINGTON.

AN ACT to amend certain portions of the laws governing the Municipal Court of the City of Wilmington, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch thereof herein concurring):*

Section 14  
amended.

Terms of  
court to  
commence.  
When.

Proviso.

SECTION 1. That section 14 of an act entitled "An act to revise and consolidate the statutes relating to the city of Wilmington," passed at Dover, April 13, 1883, be, and the same is hereby amended by striking out of said section, the fifth sentence thereof, and inserting in lieu thereof as follows to wit: "The terms of said court shall commence on the first Monday of each and every month, and the sessions of the said court during any term may be adjourned or otherwise continued from time to time as public business may require. *Provided, nevertheless,* and it is hereby expressly made the duty of the city judge to so regulate the said court, that there shall be sessions of the same on every Monday, Wednesday and Saturday evenings throughout the year after the hour of seven o'clock.

Section 15  
amended.

Suits. How  
brought.

SECTION 2. That section 15 of an act entitled an "Act to revise and consolidate the statutes relating to the city of Wilmington," passed at Dover, April 13, 1883, be, and the same is hereby amended by adding to said section at the end thereof, the words following to wit: All prosecutions brought in said court or before the city judge for breaches of any of the municipal laws, ordinances or regulations of said city, shall be in the name of "The Mayor and Council of Wilmington."

Section 1 of  
act entitled  
an act to  
amend the  
charter of  
the city of  
Wilmington  
amended.

SECTION 3. That section 1 of an act entitled "An act to further amend the charter of the city of Wilmington," passed at Dover, April 17, 1885, be, and the same is hereby amended as follows to wit: Strike out and repeal all of said section between the word "issued" in the ninth line thereof, and the word "and" in the thirteen line thereof, and insert in lieu thereof the words following, namely: "For this purpose he shall sit daily each morning, (Sunday included) and each evening, when there shall be a session of the Municipal Court," also strike out and repeal in said section the words "the daily" in the eighteenth line thereof, and insert the

## OF THE CITY OF WILMINGTON.

word "each" instead, strike out of and repeal the word "daily" in the twenty-ninth line of said section.

SECTION 4. That the amendments made in the three preceding sections are made with reference to the law as it now appears printed in the seventeenth volume of the Laws of Delaware. <sup>Amend-ments in reference to what.</sup>

SECTION 5. It shall be the duty of every justice of the peace or other committing magistrate, whenever any person is brought before him charged with any criminal matter or offence properly cognizable in the Municipal Court of the city of Wilmington, to inquire into the same, and if he shall find that there is probable ground for the charge, he shall hold the person accused to bail for his or her appearance at the evening session of the said Municipal Court, not more than four days distant from said hearing, and in default of bail, the person accused shall be committed to the custody of the high constable of the city of Wilmington to await such session. All bail bonds shall be forwarded to the clerk of the Municipal Court within two days after the said hearing, and every bail bond and commitment shall have indorsed upon the same an itemized statement of all costs which may have accrued up to that time, and the same shall be taxed as costs against the accused in any judgment or sentence which may be pronounced against such accused in the said Municipal Court; *Provided, nevertheless*, that the judge of said court shall have power to strike off any portion of said costs which shall be illegal or which he shall deem unnecessary. <sup>Duty of the Justices of the Peace., Shall hold the accused to bail. In default of bail, shall commit. Costs to be endorsed.</sup>

SECTION 6. This act shall take effect and go into operation on and after the first Monday in the month of April, A. D. 1887, and all acts or parts of acts inconsistent herewith are hereby repealed from and after the date last aforesaid. <sup>Act to take effect from first Monday in April, 1887.</sup>

*Passed at Dover, March 31, 1887.*

## OF THE CITY OF WILMINGTON.

## CHAPTER 183.

## OF THE CITY OF WILMINGTON.

AN ACT to amend Chapter 208, Volume 17, Laws of Delaware,

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch concurring):*

Section 2.  
Chapter 208  
Vol. 17,  
Laws of  
Delaware,  
amended.

SECTION 1. That Section 2, of Chapter 208, Volume 17, Laws of Delaware, passed at Dover, April 19th, 1883, be and the same is hereby amended as follows: 1st, by striking out of said section in line 6 the word *second* and inserting in lieu thereof the word *fifth*; 2nd, by striking out of said section in lines 22 and 23 the words "*At the Lafayette Hotel, situate on the southeast corner of Ninth and Shipley streets*" and inserting in lieu thereof the words "*At the house situate on the southwest corner of Eighth and Tatnall streets*;" 3rd, by striking out of said section in lines 25, 26 and 27 the words "*At some convenient place in said district to be chosen by the inspector and assistant inspectors of said district, or any two of them*," and inserting in lieu thereof the words "*At the house situate on the southeast corner of Ninth and Du Pont streets*;" 4th, by striking out of said section in lines 37, 38 and 39, the words "*At the school house known as the Howard school, situate on the east side of Orange street between Twelfth and Thirteenth streets*," and inserting in lieu thereof the words "*At School No. 2 at the northeast corner of Eleventh and Washington streets*;" 5th, by striking out of said section, in line 49, the words "*southeast corner of thirteenth and Heald streets*," and inserting in lieu thereof the words "*southwest corner of Thirteenth and Claymont streets*."

SECTION 2. All acts or parts of acts inconsistent herewith are hereby repealed.

*Passed at Dover, April 7, 1887.*

## OF THE CITY OF WILMINGTON.

## CHAPTER 184.

## OF THE CITY OF WILMINGTON.

AN ACT confirming the sale of certain real estate in the City of Wilmington.

WHEREAS, By a resolution of council passed July 8, 1886, Preamble. it was directed "That the committee on public buildings be instructed to dispose of at public sale that portion of the city sand lot lying and being north of Thirteenth street;" and,

WHEREAS, Pursuant to said resolution the said committee on public buildings did cause the said portion of the city sand lot to be exposed to public sale on Saturday the eighteenth (18) day of September, 1886, and sold the same to various bidders; and, Further Preamble.

WHEREAS, Doubts have arisen as to the legality of said sale and it being deemed necessary to have an act of the General Assembly confirming the same; now, therefore,

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, two-thirds of each branch therein concurring:*

SECTION 1. That the said sale of the real estate aforesaid shall be deemed and taken to be as valid to all intents and purposes as if the General Assembly had prior to such sale passed an act specifically authorizing the same, and "The Mayor and Council of Wilmington" is hereby authorized and empowered upon the receipt of the purchase monies to cause proper deeds of conveyance to be made to the various purchasers of said real estate conveying the same in fee simple; Sales valid. *Provided, nevertheless,* that if any purchaser as aforesaid shall neglect or refuse to pay all or any part of said purchase money within sixty (60) days after the passage of this act, then in such event the said sale as to such purchasers shall become void and any purchase money already paid by such purchaser to the municipal corporation, or its agent, shall become forfeited, and all that portion of the said real estate shall be again exposed to public sale. Mayor and Council authorized to cause deeds to be made. Proviso.

*Passed at Dover, April 11, 1887.*

## OF THE CITY OF WILMINGTON.

## CHAPTER 185.

## OF THE CITY OF WILMINGTON.

AN ACT in relation to the assessment and collection of taxes in the City of Wilmington.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch thereof concurring):*

Section 73  
of act to  
revise and  
consolidate  
the statutes  
of the city  
of Wil-  
mington,  
being Chap-  
ter 605, Vol.  
13, amend-  
ed.

SECTION 1. That Section 73 of an act entitled, "An act to revise and consolidate statutes relating to the city of Wilmington," passed at Dover, April 13th, A. D. 1883, and amended by Section 1, of Chapter 605, Volume 17, Laws of Delaware, be and the same hereby is further amended as follows, to wit: By striking out all of said amended section after the word "with" in the third line thereof, and inserting in lieu of the part so stricken out, the following, "the building inspector of the city of Wilmington shall constitute the board of assessment, revision and appeals."

Section 47  
amended.

SECTION 2. That Section 47 of said act to revise and consolidate the statutes relating to the city of Wilmington, as amended by Section 5, of Chapter 605, Volume 17, Delaware Laws, be and the same hereby is further amended as follows, by striking out the words, "The president of the council and chairman of the finance committee, each fifty dollars (\$50) for their services as members of the board of assessments, revision and appeals," and insert in lieu thereof, the following, to wit: "The president of the council, chairman of the finance committee and the building inspector each one hundred and fifty dollars (\$150), for their services as members of the board of assessment, revision and appeals."

Section 81  
amended.

SECTION 3. That Section 81 of said act to revise and consolidate the statutes relating to the city of Wilmington, be and the same hereby is amended as follows, to wit: By striking out the word "January" in the eighth line of said section, and inserting in lieu of said word the word "February."

Section 82  
amended.

SECTION 4. That Section 82, of Chapter 207, Volume 17, Laws of Delaware, as amended by Section 2, Chapter 605, Volume 17, Laws of Delaware, be and the same is hereby further amended as follows to wit: By striking out the word "February" where it occurs, and inserting in lieu thereof the word "April"; and by striking out the words "tenth

## OF THE CITY OF WILMINGTON.

day of March," and inserting in lieu thereof the words "30th day of April."

SECTION 5. That Section 80 of Chapter 207, Volume 17, Laws of Delaware, as amended by Section 1 of Chapter 603, Laws of Delaware, Volume 17, be and the same hereby is further amended as follows: By adding to said amended section at the end thereof, the following to wit, "to better enable said assessors and collectors to make said assessments they shall have the right to examine all records in the county offices kept at the Court House in the city of Wilmington in and for New Castle County free of all costs and charges."

Section 80,  
Chapter 207,  
amended by  
Section 1,  
Chapter 603  
Vol. 17,  
amended.

SECTION 6. That section 95, chapter 207, volume 17, Laws of Delaware, as amended by section 3, chapter 605, volume 17, Laws of Delaware, be, and the same hereby is further amended by striking out all of said amended section after the word "paid" in the third line thereof, and inserting in lieu thereof the following, to wit: "Eight hundred dollars (\$800) each for making the assessment and for making collections during the months of July and August in each year, and eight per centum on the amounts collected by them on and after the first day of September in each and every year. The paid salaries or compensation shall be paid upon warrants authorized by said council, to be drawn on the treasury of the said city."

Section 95,  
Chapter 207,  
Vol. 17,  
amended  
by Section  
3, Chapter  
605, Vol. 17,  
amended.

SECTION 7. That section 84 of chapter 207, vol. xvii, Laws of Delaware, as amended by chapter 586, volume xvii, Laws of Delaware, be, and the same hereby is amended by striking out all of said amended section after the word "thereupon" in the twenty-second line of said amended section, and inserting in lieu thereof the following: "The said assessors and collectors shall be paid the sum of two hundred and fifty dollars (\$250) each for making out the lists aforesaid, to be paid upon warrants authorized by said council to be drawn on the treasury of the said city."

Section 84,  
Chapter 207,  
Vol. 17,  
amended  
by Chapter  
586, Vol. 17,  
amended.

SECTION 8. That section 77 of chapter 207, volume xvii, Laws of Delaware, be, and the same is hereby amended by adding to the end of the said section, the following, to wit: "Each of the said assessors and collectors so elected may appoint to assist him in the discharge of the duties of his office, a clerk, said clerk shall always be under the direction and control of the assessor and collector, by whom he was appointed, each of said clerks shall receive a salary of seven hundred and twenty dollars a year, to be paid upon warrants,

Section 77,  
Chapter 207,  
Vol. 17,  
amended.



## OF THE CITY OF WILMINGTON.

authorized by said council, drawn upon the treasury of the said city."

Section 90,  
Chapter 207  
Volume 17,  
amended.

SECTION 9. That section 90 of said chapter 207, volume xvii, Laws of Delaware, be, and the same hereby is amended as follows: By striking out the words "from and after the passing of this act," and in lines tenth and eleventh of said section, and further by adding the following to the end of said section, to wit: "But in case of the sale under execution process, of any real estate upon which such tax liens shall exist, such lien shall be transferred to the fund arising from such sale in the hands of the officer making the same, and the real estate so sold shall be discharged therefrom. *Provided*, that if such fund shall not be sufficient to pay and discharge the said tax lien by reason of the said real estate having been sold subject to another or other lien or liens created by said taxable, then the unpaid balance of said tax shall remain a lien upon the land so sold. *And provided*, that the lien for taxes hereby prescribed, shall remain a lien on the said real estate for the period of two years from the first day of July of the year in which said tax shall have been assessed and no longer."

*Passed at Dover, April 12, 1887.*

## OF THE CITY OF WILMINGTON.

## CHAPTER 186.

## OF THE CITY OF WILMINGTON.

AN ACT for the sale of certain real estate in the city of Wilmington.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met two-thirds of each branch thereof therein concurring:*

SECTION 1. That the mayor and council of Wilmington are hereby authorized and empowered to expose to public sale and to execute and deliver good and sufficient deed or deeds to the purchaser or purchasers thereof all that portion of the old academy lot, situated in the Ninth Ward of said city, which is bounded and described as follows, to wit: Beginning at a point in Vandever Avenue at the westerly gable of the old academy school house building; thence along the said gable wall and at right angles with Vandever Avenue aforesaid in a northerly direction seventy-three feet and four inches, more or less, to a corner; thence westerly and at right angles to the first mentioned line and parallel to Vandever Avenue ten feet more or less to another corner; thence in a southerly direction parallel to the first mentioned line seventy-three feet and four inches to a point in Vandever Avenue aforesaid; thence along Vandever Avenue easterly ten feet more or less to the place of beginning.

Mayor and Council authorized to expose to sale and deliver good and sufficient deeds to certain purchasers of Old Academy lot. Limits of same.

SECTION 2. The proceeds arising from the sale of said lot shall be expended for the purpose of public education in the Ninth Ward of said city.

Proceeds. How expended.

*Passed at Dover, April 18, 1887.*

## OF THE CITY OF WILMINGTON.

## CHAPTER 187.

## OF THE CITY OF WILMINGTON.

AN ACT to authorize a loan to the Phoenix Steam Fire Engine Company, of Wilmington, Delaware.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch therein concurring):*

Mayor and  
Council au-  
thorized to  
loan \$200.

SECTION 1. That the mayor and council of Wilmington is hereby authorized by ordinance of the council duly passed to loan to the Phoenix Steam Fire Engine Company a sum of money not exceeding three hundred dollars to enable the company to replace their horses which were so injured in proceeding to a fire as to be useless. Such money may be taken from any appropriation as may be deemed expedient and the security therefor, and the time and mode of repayment may be regulated by ordinance.

*Passed at Dover, April 20, 1887.*

## CHAPTER 188.

## OF THE CITY OF WILMINGTON.

AN ACT in relation to the Streets and Sewers of the City of Wilmington.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring therein) as follows:*

Name.

SECTION 1. That on and after the first day of July, A. D. one thousand eight hundred and eighty-seven, (1887) "The Mayor and Council of Wilmington," a corporation of the State of Delaware, is hereby authorized through the agency of a board of directors of a "Street and Sewer Department" hereby created, constituted and appointed their successors in office, further to extend or to widen any street, square, lane,

OF THE CITY OF WILMINGTON.

road or alley laid down upon the map, plan or ground plot of the city of Wilmington, and likewise to lay out all necessary new streets, squares, lanes, roads or alleys within said city, except where heretofore expressly prohibited by legislative enactment still subsisting, and after the time aforesaid, to have entire jurisdiction and control within the limits of said city of the streets, squares, lanes, roads or alleys thereof, said jurisdiction and control to extend from building line to building line, and the entire jurisdiction and control within the limits of said city of the drainage thereof, and may open gutters, drains and sewers within the limits thereof, and regulate, maintain, cleanse and keep the same and the natural water courses, runs and rivulets within said limits, open, clear and unobstructed, and further, shall after the time aforesaid, have the same rights and powers, and be vested with the same authority over the said streets, squares, lanes, roads, alleys, gutters, drains, sewers, natural water courses, runs and rivulets within the limits of said city, as are now held and exercised by "The Council" of the said city of Wilmington, under the charter, laws, ordinances and regulations appertaining to or in any manner made for the government of said city. The said directors of said street and sewer department shall also, after the first day of July, A. D. 1887, have jurisdiction and control over the removal of all ashes, dirt and other rubbish incidental to housekeeping within said city as fully and completely as "The Council" aforesaid has heretofore had and exercised said jurisdiction and control.

To have control of the streets.

To have control of the drainage.

To have the same rights and powers over the streets, squares, lanes, roads, alleys, gutters, drains, &c., as was exercised by the council of the city of Wilmington. Shall have control over the removal of ashes and rubbish.

Directors.

Terms of office. How determined.

SECTION 2. That Joseph L. Carpenter, Jr., James Murray and J. Newlin Gawthrop, all of the city of Wilmington and State of Delaware, are hereby appointed and constituted a board of directors of the "Street and Sewer Department" for said city under this act, with full power to act as such, for the term of two, four and six years as hereinafter specified respectively, or until their successors shall be duly appointed. That at the first meeting, after the passage of this act, said directors shall determine their terms by lot and shall certify the result in duplicate to the city council and to the recorder of deeds of New Castle County; the said certificate shall be recorded by the said recorder of deeds and the original, or the record thereof, or a duly certified copy of the record, shall be evidence in all the courts of this or elsewhere State.\* The director who draws the two years terms\* shall serve to and until the first day of April, A. D., one thousand eight hundred and eighty nine (1889); the director who draws the four year term

\*So enrolled.

## OF THE CITY OF WILMINGTON.

shall serve to and until the first day of April, A. D., one thousand eight hundred and ninety-one (1891); the director who draws the six year term shall serve to and until the first day of April, A. D., one thousand eight hundred and ninety-three (1893). At the expiration of the term of the said director who shall draw the shortest term, and biennially thereafter the place of the retiring director shall be filled by appointment by the mayor of the city of Wilmington for the term of six years.

Who are  
eligible as  
members of  
the board.

Member  
may be re-  
moved.

Vacancies.  
How filled.

Shall not  
be of same  
political  
party.

Must be  
sworn.

Form.

Time of or-  
ganization.

No person shall be eligible to appointment as a member of said board who shall not be a citizen of the United States, a qualified voter of the State, and resident of the city of Wilmington for the last five years next preceeding his appointment. Any member of said board may be removed for malfeasance in office by the mayor of said city, with the concurrence of two-thirds of the whole city council. The reason for the removal shall be entered in the journal. The members of said board shall hold no other municipal office during his or their membership in said board. The said board shall have power to fill and shall fill any vacancies in its own membership, except where there are two or more vacancies at the same time, in which case the mayor aforesaid shall appoint directors to fill the unexpired term. All the members of said board shall not at any one time belong to the same political party. Each member of said board shall before entering upon his duties, in addition to any oath required to be taken by other municipal officers, take and subscribe and file in the office of the mayor of the said city an oath or affirmation that he will faithfully perform his duties as a director in the street and sewer department of said city, and that he will neither be concerned nor interested pecuniarily, either directly or indirectly, in any contract for work or materials furnished for or about the erecting, construction or repairs of said street, squares, lanes, roads, alleys, gutters, drains, sewers, natural water courses, runs and rivulets, while a member of said board; and, further, that he will not be controlled in any vote or action as a member of said board by political or partisan consideration.

SECTION 3. On or before the first day of May, A. D. one thousand eight hundred and eighty-seven, (1887) the said directors of said department hereby constituted, shall assemble and organize by selecting one of their number to preside over their deliberation. All questions arising in said board

## OF THE CITY OF WILMINGTON.

shall be determined by a vote of a majority, except where it is hereafter otherwise expressly provided.

SECTION 4. The said directors of the street and sewer de-  
partment shall be paid for their services from the first day  
of April, A. D. one thousand eight hundred and eighty-  
seven, (1887) yearly salaries as follows, viz: To each the an-  
nual sum of five hundred dollars, (\$500) payable quarterly  
the said "The Mayor and Council of Wilmington," may after  
the said first day of July, A. D. one thousand eight hundred  
and eighty-seven, (1887) by the agency aforesaid for the pur-  
pose of opening, widening, improving or repairing any  
street, square, lane, road or alley, or for opening, maintaining,  
cleansing, improving or repairing any gutter, drain, sewer,  
natural water course, run or rivulet within the limit of said  
city, enter upon and condemn private property and assess the  
benefits and damages thereof, and have the same ascertained,  
collected and paid in the same manner and under the same  
laws, ordinances, rules and regulations as are now prescribed  
for the government of "The Council" of said city in similar  
cases. The said directors of said street and sewer department  
shall after the time last aforesaid, have control of all matters  
relating to said streets, squares, lanes, roads, alleys, gutters,  
drains, sewers, natural water courses, runs and rivulets, and  
all the machinery, tools, buildings, rights, franchises, books,  
accounts and other property of whatsoever nature or kind ap-  
pertaining to the management of said streets, squares, lanes,  
roads, alleys, gutters, drains, sewers, natural water course,  
runs and rivulets in virtue of any law, ordinance, rule or  
regulation now or hereafter in force. In carrying out and  
effecting the purposes and objects in this act, the said board of  
directors shall stand in the same position as is now occupied by  
"The Council," and shall after the said first day of July, A.  
D. one thousand eight hundred and eighty seven, (1887) so far  
as the purposes and objects of this act are concerned, be sub-  
stituted for "The Council" aforesaid with the same rights,  
powers, privileges and authority as were before the passage of  
this act by any means whatsoever vested in "The Council"  
aforesaid: *Provided*, that to and until the said first day of July,  
A. D. one thousand eight hundred and eighty-seven, (1887)  
"The Council" aforesaid shall have the same rights, powers,  
privileges and authority, and be vested with the same juris-  
diction and control over the said streets, squares, lanes, roads,  
alleys, gutters, drains, sewers, natural water courses, runs  
and rivulets, as it has heretofore had and exercised, except  
that said council shall not have the right after the passage of

Salary.

May enter  
upon and  
condemn  
private  
property.Damages.  
How paid.Shall have  
control of  
all matters  
relating to  
streets, &c.Board shall  
stand in the  
same posi-  
tion occu-  
pied by the  
council.

Provido.

## OF THE CITY OF WILMINGTON.

this act (and it is hereby expressly forbidden) to enter into any contract having relation to said streets, squares, lanes, roads, alleys, gutters, drains, sewers, natural water courses, runs or rivulets, the performance of which shall not be entirely executed and completed and paid for on or before the said first day of July, A. D. one thousand eight hundred and eighty-seven (1887).

The ordinances, rules and regulations now in force.

Shall continue until changed by the Board of Directors.

All officers and servants shall be under the control of said directors.

Terms of officers subject to the pleasure of the directors.

Chief Engineer and Surveyor shall perform the same duties.

Duties.

Shall attend the meetings of the directors.

Directors to propose estimates.

SECTION 5. The ordinances, rules and regulations of said city now in force relating to said streets, squares, lanes, roads, alleys, gutters, drains, sewers, natural water courses, runs and rivulets, shall continue in force until the same are changed in whole or part by said board of directors of said department and the street commissioners and all officers and servants of the city engaged and employed on or in connection with the streets and sewers thereof, shall from the said first day of July, A. D. one thousand eight hundred and eighty-seven, (1887) be under and subject to the control of said directors, and the terms of office of the said street commissioner and all the said officers and servants are from and after the time last aforesaid, hereby made subject to termination at the pleasure of said directors, and said street commissioner, and all such officers and servants shall continue to perform the duties now devolved upon them by the laws and ordinances of said city until the said directors shall otherwise order; and all machinery, tools, buildings, rights, franchises, books, accounts, and other property of whatsoever nature or kind connected with the management of the said streets and sewers shall after the date last aforesaid, be used and disposed of according to the orders of said directors. The chief engineer and surveyor of the city of Wilmington shall perform the same duties as by any law, ordinance, rule or regulation of said city, he is now required to perform. He shall also when required, furnish said directors with all plans and specifications for laying out, grading and regulating streets and public ways, and for bridges, culverts, location of inlets, sewers, drains, gutters or other improvements to be made or done under the superintendence of the said directors. He shall take charge of all instruments, maps, plans, drawings, records and books relating to the surveys, regulations, grades, culverts, sewers, bridges, wharves and rivers of the city, and all such shall be the property of the city of Wilmington. He shall, when required by said directors, attend their meetings and consult and advise with them or with either of them. The said directors shall during the month of April in each year, prepare estimates of probable expenses of the said street

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and sewer department over and above its probable revenue for the ensuing fiscal year, which estimates said directors shall lay before council in May following. The council shall in the month of May, A. D. one thousand eight hundred and eighty-seven (1887) and in every year thereafter, when determining the amount necessary to be raised on the persons and estates in the city for public use, also include the sum necessary to be raised on the persons and estates for meeting and paying the probable expenses estimated and laid before council in manner aforesaid. The amount so determined upon shall be raised and collected and paid into the city treasury as other taxes are raised, collected and paid into said treasury. At the time of making the annual appropriation for public use, the council shall also make an appropriation for the expenses of the said street and sewer department equal in amount to that estimated in manner aforesaid and laid before said council by said directors. *Provided*, that the demand made by said directors for said department upon council, shall not exceed eighty five thousand dollars, (\$85,000.00) for the fiscal year, one thousand eight hundred and eighty-seven and eighty-eight, (1887-8) and the increase shall not for any succeeding fiscal year be greater than five per centum additional upon the aggregate amount for the fiscal year preceding. The amount of the appropriation for the current expenses of said board of street and sewer department so made by council, shall be paid in full on or before the first Saturday in August in the year A. D. 1887, and on or before the first Saturday in August in each year thereafter, by the city treasurer upon an order or orders drawn by the aforesaid board of directors under the hand of its president. The said directors shall keep or cause to be kept, a full and true account, in suitable books of all moneys coming into its possession, and received by it and of all its expenditures according to the provisions of any ordinance of the city now in force or of any rules and regulations hereafter to be passed by said board, and it shall keep or cause to be kept, a full and true account in suitable books, of all labor performed or materials or supplies furnished.

Council shall include the sum necessary to be raised for said Board.

Amount raised and collected, to be paid in the city treasury.

Council shall make appropriation for the street and sewer department.

Proviso

Increase shall not be greater than five per centum.

Amount to be paid. When.

Directors shall keep an account of money coming into possession.

Shall keep an account of all labor performed.

SECTION 6. The directors of said street and sewer department shall, at their discretion, appoint, employ and discharge all officers, agents, ministers and servants necessary for the management and services of the duties imposed upon said directors by this act, or by any laws, ordinances, rules or regulations appertaining to or affecting said duties; they shall determine the compensation to be paid to each one so em-

Directors may appoint, employ and discharge officers and agents.



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*Shall determine compensation to be paid and shall make rules and regulations.* employed and shall make all the needful rules and regulations to govern their own deliberations and for the observance of the officers, agents, ministers and servants by them employed, and shall determine the penalty and condition of the bond or bonds of such officers, agents, ministers and servants as are required by said directors to give bond.

*May acquire real and personal estate.* SECTION 7. The said directors shall immediately after their organization resolve upon what in their judgment is the best plan for giving the citizens of Wilmington the most improved system of streets and sewers, and to this end may acquire by contract or otherwise all such real and personal estate as said directors shall deem necessary, the title to any such real and personal estate to be vested in the mayor and council of Wilmington. Any sewer or sewerage system, drain or culvert, which said directors may deem injurious to the best interest of the city, or inconsistent with the plan of said department for a sewerage system for said city, or which said directors may believe should be controlled by the city through said department, may after the said first day of July, A. D., one thousand eight hundred and eighty-seven (1887) be condemned in the same manner as land is now condemned for street purposes, except that said directors shall in such condemnation proceedings act, instead of and be substituted for "The Council" of said city; and the same laws, ordinances, rules and regulations which now govern said council in such proceedings shall, after the time last aforesaid, apply to and govern said directors. After any sewer or sewerage system, drain or culvert, has been condemned as aforesaid, said department may use or discontinue the same, or make such other disposal thereof as in the judgment of its directors seem best. When a sewerage system for said city has been resolved upon, said department may fix rates, which those who connect their properties therewith shall be required to pay and said department may collect the same; it shall account to "The Council" for moneys thus received in the same manner as it is hereafter required to account for other moneys received and expended.

*May condemn any sewer or sewerage inconsistent with the plans of the department.*

*The rules and regulations governing Council in such cases to apply.*

*May fix rates.*

*Shall account to Council.*

*All work shall be let out to the lowest and best bidder. Exception.* SECTION 8. The doing of all work and the furnishing of all materials and supplies required by said street and sewer department shall be let out by the directors of said department to the lowest and best bidder, except in cases where, in the opinion of said directors, it is not practicable to do such work or furnish such materials and supplies by contract.

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Notice that the department will receive proposals for such work, materials or supplies shall in all cases be published at least five times in each of two daily papers of the city of Wilmington, the last publication to be at least three days before the opening of the bids. Such notice shall state the kind and amount of the work to be done or furnished, the place where and the period within which the bids will be received. Each bid must be signed by the bidder and be accompanied by an undertaking signed by the persons offered by the bidder as his sureties, who must in all cases be resident freeholders of New Castle County, declaring their consent to be such sureties in the event of the contract being awarded to such bidder; and if any contract be so awarded and such bidder shall fail to complete the execution of a contract therefor, with security for its performance, approved by the said department, such bidder and the party or parties so undertaking for him as aforesaid shall be liable to pay to the city of Wilmington any damage that may be occasioned to said city by such failure.

Notice to be published.

What notice shall contain.

Bids to be signed by bidder.

In case of failure to complete contract, bidder and securities to be liable to the city.

SECTION 9. The City Auditor shall examine all bills against said department and endorse them as correct before they are presented to said department for payment; he shall also examine and countersign all drafts or orders and withhold his signature in case the draft or order is made without sanction of law, or with any circumstances of fraud actually or presumably attached thereto, in all of which cases he shall report his action and the grounds therefor to the directors of said department at their ensuing meeting; said directors shall thereupon duly, carefully and publicly consider the case and shall sustain or overrule his action by a unanimous vote of all the members of said board of directors, whereupon it shall be the duty of the city auditor in case he shall be overruled to countersign the said draft or order, in which case he shall be exonerated from all responsibility in the premises. He shall also keep a book or books in which an exact and complete record of all accounts so paid shall be entered, keeping a debtor and a credit account with all persons doing work for or furnishing materials to the said department in any manner.

City Auditor shall examine bills.

Shall examine and countersign.

Other duties of auditor.

SECTION 10. If any of said directors of said department, or any officers thereof, shall at any time apply to his own use any of the money which may come to his hands or under his control, by virtue of this act, the person so offending and his sureties shall forfeit and pay to the city of Wilmington a sum of money which shall be two-fold greater than the sum of

Directors shall not apply to his own use any money coming into his hands.

## OF THE CITY OF WILMINGTON.

**Penalty.** money so applied to the use of the offender, to be recovered by action on his official bond or otherwise, as the case may be; *Provided*, nothing herein contained shall be considered a bar to any criminal proceeding for the same offense.

**Money to be deposited.**

**Shall be drawn upon warrants.**

**Council shall annually appoint a committee to examine and audit accounts.**

**Statement of its receipts, to whom submitted.**

**Committee shall report to the Council.**

**Directors shall give bond.**

**Form of condition.**

**SECTION 11.** The moneys and revenue received by the street and sewer department shall be deposited to the credit of said department in such bank in Wilmington as it shall determine upon, and all money to be disbursed therefrom on account of the duties and obligations by this act imposed, and shall be drawn upon warrants signed by the president of the board of directors of said department and countersigned by the city treasurer and city auditor. "The Council" of the city of Wilmington shall at its first meeting in May in the year A. D. one thousand eight hundred and eighty-eight (1888) and annually in the month of May thereafter appoint from among its members, a committee of three whose duty it shall be to examine and audit the accounts of the said street and sewer department, and if correct, attest the same. The said department shall submit to said committee an itemized statement of its receipts, disbursements and expenses for the year immediately preceding, together with its books of account, vouchers &c., and all other data necessary to enable said committee to properly audit said accounts. The said committee shall within two weeks report its finding to "The Council" aforesaid, and the said itemized statement shall immediately thereafter be twice published in each of two daily papers of said city.

**SECTION 12.** Each of the directors of said street and sewer department shall, immediately after organization, enter into a bond with sureties to the mayor and council of Wilmington in the sum of thirty-thousand dollars, said sureties to be approved of by the "City Judge," the condition of which bond shall be as follows, viz: The condition of this obligation is such that if the above bounden one of the directors of the street and sewer department shall in all things comply with the provisions of this act, and shall faithfully execute the trust confided to him, then the above obligation to be void, otherwise to remain in full force and virtue. To the said bond there shall be subjoined a warrant of attorney to confess judgment thereon, and the said bond and warrant shall be filed in the office of the city treasurer, there to remain until in the judgment of the "City Judge" the interest of the city demands that it be entered in the

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Superior Court of the State of Delaware in and for New Castle County.

SECTION 13. All acts or parts of acts inconsistent herewith are hereby repealed. Inconsistent acts repealed.

*Passed at Dover, April 20, 1887.*

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CHAPTER 189.

OF THE CITY OF WILMINGTON.

A SUPPLEMENT to the act entitled "An act in relation to the streets and sewers of the city of Wilmington."

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring therein):*

SECTION 1. That the act entitled "An act in relation to the streets and sewers of the city of Wilmington," passed at Dover, April 20th, A. D. 1887, be, and the same is hereby amended by striking out the words "as it shall determine upon," in the third and fourth lines of Section eleven (11) of said act, and inserting in lieu thereof the following: "As shall from time to time be the depository of the funds of the city of Wilmington." Act entitled "An act in relation to the streets and sewers of the city of Wilmington," amended.

*Passed at Dover, April 21, 1887.*

## OF THE CITY OF WILMINGTON.

## CHAPTER 190.

## OF THE CITY OF WILMINGTON.

AN ACT to further confirm and establish an act entitled "An act to provide a sinking fund for the payment of the city debt of Wilmington."

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (with the concurrence of two-thirds of each branch of the Legislature):*

Provisions  
of Chapter  
186, Vol.  
11, Laws of  
Delaware  
and supple-  
ments.  
How con-  
strued.

Bonds.  
How issued  
and payable

SECTION 1. That the provisions, terms and conditions of the act entitled "An act to provide a sinking fund for the payment of the city debt of Wilmington, being Chapter 186 of Vol. 11, Delaware Laws, and the supplements and amendments thereto shall be and the same are hereby construed, established, extended, considered and held hereafter to apply to the original issues of the bonds of the city of Wilmington, and that all the bonds of said city issued hereafter, for any and all purposes (payment of which is not otherwise specifically provided for) shall be issued, provided and made payable in the same manner and according to the terms, conditions and provisions of said act providing a sinking fund for the payment of the city debt of Wilmington, as heretofore applied to the re-issues of the bonds of the city, but now and by this act extended and applied to such future original issues of such bonds, without resort to any re-issues for the same.

Provisions,  
terms and  
conditions  
of Section 1  
applicable  
to bonds  
issued dur-  
ing the year  
1886.

SECTION 2. That the provisions, terms and conditions of Section 1 of this act shall be and the same are hereby held valid, applicable to and to include the bonds of the city of Wilmington issued during the year A. D. 1886, being sixty thousand dollars for the water works, and one hundred and fifty thousand dollars for the purposes of a city park.

*Passed at Dover, April 21, 1887.*

## OF THE CITY OF WILMINGTON.

## CHAPTER 191.

## OF THE CITY OF WILMINGTON.

AN ACT in relation to witness fees in the Municipal Court of the city of Wilmington.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch thereof herein concurring):*

SECTION 1. All witness fees which shall hereafter be paid to the clerk of the Municipal Court, and not claimed by the persons entitled to the same within thirty-days from the time said fees come into the hands of said clerk, shall be forfeited to the city and paid by said clerk into the city treasury.

Fees of witnesses not claimed, if now paid,

SECTION 2. All witness fees now remaining in the clerk's hands which shall not be claimed by the persons entitled thereto by the first day of April, A. D. 1887, are hereby declared to be forfeited, and said clerk is hereby directed to pay the same into the city treasury.

Witness fees in clerks hands not claimed by April 1st, 1887, forfeited.

*Passed at Dover, April 21, 1887.*

## CHAPTER 192.

## OF THE CITY OF WILMINGTON.

AN ACT to further extend the corporate limits and to regulate the membership of "The Council" of the city of Wilmington.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch thereof herein concurring):*

SECTION 1. The city of Wilmington shall be divided into twelve wards. The First, Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth and Ninth wards shall be bounded as heretofore. The Tenth ward shall comprise all that territory lying and being between Adams and Franklin streets, and between Sixth and Linden streets. The Eleventh ward

City of Wilmington divided into twelve wards. Boundaries of wards.

## OF THE CITY OF WILMINGTON.

shall comprise all the territory within its present limits. The Twelfth ward shall comprise all that territory lying and between Franklin street and the easterly side of Greenhill avenue and between Sixth street extended, and Linden street extended, westerly to the easterly side of Greenhill avenue.

City shall  
be divided  
into twenty-  
seven  
election dis-  
tricts.  
Boundaries  
of districts.

SECTION 2. For the purpose of holding elections for State, county and city officers in Wilmington city and hundred, the city shall be divided into twenty-seven election districts. The first twenty-three of the said election districts and the several polling places established in each, shall be as is now established by law.

The twenty-fourth election district shall consist of all that portion of the Tenth ward lying and being north of Second street, and the polling place for said district shall be at the south-east corner of Third and Van Buren streets.

The twenty-fifth election district shall consist of all that portion of the Tenth ward lying and being south of Second street, and the polling place for said district shall be at the north-east corner of Chestnut and Van Buren streets.

The twenty-sixth election district shall consist of the Eleventh ward as by this act constituted, and the polling place for said election district shall be at the north-west corner of Maryland avenue and Beach street.

The twenty-seventh election district shall consist of the Twelfth ward, as constituted by this act and the polling place for said election district shall be at the south-east corner of Fourth and Scott streets.

Elections to  
be held in  
said dis-  
tricts.

At the said election districts as provided in this section, shall be held the general election. All special elections for members of the general assembly, and representative or representatives in congress, electors of president and vice-president of the United States, and elections for assessors of Wilmington hundred and inspectors for said election districts.

Seat of  
Owen J.  
Hession de-  
clared va-  
cant from  
10th Ward  
and to be  
a member  
from the  
12th Ward.

The seat of Owen J. Hession, present member of council from the Tenth ward, is hereby declared vacant, and the said Owen J. Hession is hereby declared a member of council from the Twelfth ward, his term of office as such to expire at such time as his term of office as member from the Tenth ward would have expired if this act had not been passed.

Member to  
be elected  
from the  
10th Ward.

At the city election to be held in June 1887, there shall be elected in the Tenth ward, one member of council to fill the residue of the term of Owen J. Hession, in addition to the one

## OF THE CITY OF WILMINGTON.

member to be elected for two years, and at the same time there shall be elected in the Twelfth ward one member of council to serve for the term of two years, and in each of the other ten wards there shall be elected one councilman to serve for the term of two years.

SECTION 3. At the city election to be held on the first Saturday in June, A. D. 1888, there shall be one councilman elected from each of the twelve wards to serve for the term of two years, and at the city election to be held on the first Saturday in June 1889, there shall also be one councilman elected in each of the twelve wards to serve for the term of two years, and in like manner at each succeeding city election there shall be one councilman chosen from each of the twelve wards for the term aforesaid. The true object and intent of this act, among other things, is that from and immediately after the city election to be held on the first Saturday in June, A. D. 1887, the number of councilmen from the several wards of the city shall be twenty-four, being two from each of said wards, and that at the city election to be held on the first Saturday in June, A. D. 1888, and annually at each succeeding city election thereafter there shall be twelve of said councilmen chosen, being one from each ward. The president of council shall be elected as is now provided by law. All vacancies, including the office of president of council, which may occur after the city election in June, A. D. 1887, the council may fill by election for the residue of the term in which said vacancy occurs.

SECTION 4. All acts and parts of acts inconsistent with this act are hereby repealed.

*Passed at Dover, April 21, 1887.*



## OF THE CITY OF WILMINGTON.

## CHAPTER 193.

## OF THE CITY OF WILMINGTON.

AN ACT relating to the government of the city of Wilmington.

Section 32  
of act, entitled,  
An act  
to revise  
and consolidate  
the  
statutes relating  
to  
the City of  
Wilmington  
repealed.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met two-thirds of each branch thereof herein concurring:*

SECTION 1. That Section 32 of an act entitled "An act to revise and consolidate the statutes relating to the city of Wilmington," passed at Dover, April 13, A. D. 1883, be and the same is hereby repealed, and the following is substituted in lieu thereof, to wit: "Section 32. At the city election to be held on the first Saturday in June, A. D. 1888, and on the same day in each and every third year thereafter the voters in the respective election districts shall vote for a city treasurer who shall be elected by a plurality of all the votes cast in the several election districts. The city treasurer shall hold office for the term of three years, commencing on the first day of July succeeding his election."

Term of  
office.

SECTION 2. The term of office of the present city treasurer shall remain unaffected by the provisions of this act.

*Passed at Dover, April 22, 1887.*

## CHAPTER 194.

## OF THE CITY OF WILMINGTON.

AN ACT to amend an act entitled "An act to revise and consolidate the statutes relating to the city of Wilmington."

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch thereof concurring):*

Chapter 207  
Vol. 17,  
Laws of  
Delaware,  
amended.

SECTION 1. That Chapter 207, Vol. 17 of the Laws of Delaware, shall be and the same is hereby amended by striking out all of said chapter from and including Section 50 to

## OF THE CITY OF WILMINGTON.

and including Section 63 and inserting in lieu thereof the following:

SECTION 2. All elections shall be by ballot and a plurality of votes cast shall make a choice; the ballots used shall conform in all respects to those required by the general law of the State. Elections to be by ballot.  
Form of ballot

SECTION 3. That at all city elections every male citizen of the age of twenty-one years and upwards, having resided within said city for three months next previous to the election, and in the election district where he offers to vote for thirty days next preceding the election, and who being otherwise qualified to vote at all State elections shall have registered at the annual registration next prior to the election at which he offers to vote, and no other, shall be entitled to vote; if any person who may have had his domicile in said city shall actually remove to any other place with the intention of remaining there an indefinite time as a place of domicile, he shall thereby lose his qualification of residence, notwithstanding he may entertain a floating intention to return at some future time. Qualified voters.

SECTION 4. At all city elections held in the city of Wilmington the election and canvass of the vote cast thereat shall be in all respects conducted in conformity to the provisions of the general election laws of this State, except as in this act otherwise provided. Election and canvass of votes.  
How conducted.

SECTION 5. A failure to hold an election on election day, or the omission to execute any authority conferred by this act shall not dissolve the corporation but the authority of each officer shall continue until a new election can be legally held. Failure to hold election shall not dissolve corporation.

SECTION 6. The qualified voters of each ward shall at every annual election in June choose a member of council for their ward, resident in the ward. A member moving out of the ward shall thereby lose his office and the city council shall fill the vacancy. Voters shall choose a member of council annually.

SECTION 7. That Andrew G. Wilson, Alexander J. Hart and George S. Capelle, of the city of Wilmington and State of Delaware, are hereby appointed and constituted a department of elections for the city of Wilmington under this act with full power to act as such for the terms of one, two and three years, as hereinafter specified, respectively, or until their successors shall be duly appointed at the first meeting Members of election department.  
Terms of office.

## OF THE CITY OF WILMINGTON.

**Terms.**  
**How deter-**  
**mined.** after the passage of this act; said members of the department of elections shall determine their terms by lot and shall certify the result to the city council where the same shall be carefully preserved and the said result, or a copy duly certified by the clerk of council and the mayor under his hand and seal of office, shall be evidence in all the courts of this State or elsewhere; the member who draws the one year term shall serve to and until the first day of August, A. D. eighteen hundred and eighty-eight; the member who draws the two years term shall serve to and until the first day of August, A. D. eighteen hundred and eighty nine; and the member who draws the three year term shall serve to and until the first day of August, A. D. eighteen hundred and ninety. At the expiration of the term of the said member who shall draw the shortest term, and annually thereafter, the place of the retiring member shall be filled by appointment by the mayor of the city of Wilmington for the term of three years. No person shall be eligible to appointment as a member of said department who shall not be a citizen of the United States and a qualified voter of and resident in the city of Wilmington for the term of five years next preceding his appointment. No member of the department of elections shall hold or be a candidate for any other municipal office during his membership in said department. When any vacancy occurs in said department, by or from any cause whatsoever, the mayor aforesaid may fill the unexpired term by appointment, but at no time shall all the members of said department be of the same political party.

**Who are**  
**eligible.**

**Vacancy.**  
**How filled.**

**Shall not be**  
**of the same**  
**political**  
**party.**

**Must make**  
**oath or**  
**affirmation.**

**Compensation.**

The members of the department of election shall each receive as a compensation for their services, the annual salary of three hundred dollars payable in quarterly instalments to commence on the first day of August, A. D. 1887, to which time they shall serve without pay.

**Duties of**  
**the mem-**  
**bers of said**  
**department**

SECTION 8. The duties of the members of said department of election shall be as follows:

1. They shall divide the city of Wilmington into as many election districts as they shall deem necessary on or before the

## OF THE CITY OF WILMINGTON.

first day of April, A. D. eighteen hundred and eighty-eight, and in every fifth year thereafter on or before the first day of April, the members of the department of election for the time being, shall divide the city of Wilmington into as many election districts as they shall deem necessary. *Provided*, that no election district shall contain more than three hundred, nor less than one hundred qualified voters. *And provided further*, that each of said districts shall be entirely within the boundaries of one ward. And on or before the first day of April, A. D. eighteen hundred and eighty-nine, and in every year thereafter said department of elections may divide such of the districts, and such only as by the registration of voters of the preceding year shall be found to have had a registration of more than three hundred voters, but in any such division of any said districts, one portion of the district shall retain the original numerical designation, and the other portion shall take the number following the highest numbered district in the city. Proviso.

2. They shall designate and appoint the place of registry and polling place in each election district in the city of Wilmington, and shall annually, not less than two weeks prior to the first day of registration provided for in this act, advertise by posters or handbills posted in five of the most public places in each district, the number and boundaries of the district in which they are posted, the time and place of holding the next registration and city election in such district, and the officers to be voted for at such election, and at the places so designated all city elections shall be held, and the work of registration performed, and the said department of elections shall hire all such places and cause the same to be fitted up, warmed, lighted and cleaned, but in such election district such place shall be in the most public, orderly and convenient portion of the district, and no building or part of a building, shall be designated or used as a place of registry, or polling place in which or in any part of which spiritous or intoxicating liquors is or has been sold within sixty days next preceding the time of using the same. Shall designate and appoint the place of registry and polling place. Shall advertise the number and boundaries of districts and designate the time and place of holding the registration

3. They shall cause to be prepared books for the registration of names and facts, required by this act, said books to be known by the general name of registers, and to be so arranged as to admit of the entering of the name of each street or avenue in each election district, and the number of each dwelling in any such street or avenue, if there be a number thereto, and if there be no number under, such other definite Shall cause books for the registration of voters to be prepared.

description of the location of the dwelling place as shall enable it to be readily ascertained, found and located, of the names of all male persons resident in each dwelling in each of said districts, who shall apply for registration. Such registers shall be ruled in parallel columns in which opposite to and against the name of every applicant shall be entered the words and figures hereinafter provided in this act, and shall be of such size as to contain not less than four hundred names and so prepared as they may be used at each election in the city of Wilmington until such time as in this act provided for the succeeding registration, and shall on the inside be in appearance and form as follows to wit:

How  
arrayed.

[illegible]

Shall prepare and furnish registers books, &c., to the inspectors.

Shall have  
the custody  
of register's  
tally lists,  
&c.

**May dis-**  
**miss elec-**  
**tion officers.**

**Provisi.**

4. They shall prepare and furnish all necessary registers, books, maps, forms, oaths, certificates, blanks and instructions for the use of the inspectors of the election, provide for the furnishing of such officers therewith and with all necessary supplies; they shall have and retain the custody of all registers, tally lists, books, maps, forms, oaths of office and of removal blanks, instructions, and all other records and supplies of every other kind or description pertaining to the department of elections provided for in this act.

5. They shall have power to dismiss any election officer at any time and supply his place with an other person; they may also employ a clerk and such other assistance as in the judgment of said members of said department shall be necessary and proper for the faithful performance by the department of the duties in this act imposed; *Provided*, the expense thereof shall not exceed fifteen hundred dollars in any one year, which said sum of fifteen hundred dollars shall not include the compensation of members of the department of elections, inspectors and poll clerks to be paid as provided in this act.

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6. They shall from time to time, and at all times at least once in each and every year have full power and authority to make, or cause to be made, such full, complete and accurate copies as they shall deem necessary of the record of the names, residences, age and cause of death of each male person, who shall die in the city of Wilmington, as the facts in respect to such death shall be furnished to the register of births, deaths and marriages for the city of Wilmington, and shall keep, preserve and file all such copies of such records; and it shall be the duty of the said department of elections in each year to cause to be delivered to each inspector of election in each election district in the city of Wilmington, on or before the third Saturday next preceding the day of any city election held in the city of Wilmington, an alphabetical record of all male persons twenty-one years of age and upward, who in the district in which the said inspector is to serve, have died since the last city election. Such record shall be known and designated as a record of deaths, and it shall be the duty of each inspector of election in each district upon the receipt of such record to securely attach the same to the inside of the registry in his custody to the end that it may be preserved, and upon the receipt of the same each inspector shall examine the register in his custody and as to the name of every person upon said registry who by said record of deaths, shall by a coincidence in respect to said names and facts appear to have deceased, and opposite to and against every such name, to enter in the column headed why disqualified the word "dead," in the column headed "date of erasing name" the month, day and year of such erasing, and in the column headed "remarks" the words "stricken from the registry," adding against each such entry made in the column of "remarks" the initial letters of the name of the inspector making such entry and through the name of every such person stricken from the registry, and then only, shall draw a line as indication that such name is erased from the register of that election district.

Board shall have power to cause complete and accurate copies of the names, residences, and cause of death of persons.

Shall deliver to inspector list of those who have died.

Duty of inspectors.

7. They shall furnish the inspectors of election in each election district with the hereafter named election machinery;

Shall furnish inspectors with election machinery.

(a.) A box of a size sufficient in their judgment to receive the ballots in the respective districts, and of such character and workmanship as will insure safety and fairness in elections.

(b.) Stamps which, when applied to tax receipt on registration days, will produce the word "registered," the number

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of the district, and also the day and year of registering, in letters and figures; and when applied to tax receipts on election day will produce the word "voted," the number of the district, and also the day and year of voting, in letters and figures.

8. They shall hereafter appoint all inspectors of election and poll clerks for city elections in the city of Wilmington, and shall also make all necessary removals and transfers and fill all vacancies which from any cause may occur.

Shall select  
inspectors  
of election.

Shall be of  
different  
political  
faith.

Qualifica-  
tions.

Person  
chosen shall  
present  
themselves  
to the board  
for exami-  
nation.

Make oath.

Form.

9. They shall in the month of April in each succeeding year select for each election district in said city to serve as inspectors of elections three persons, two of whom shall be of different political faith and opinion from their associates, and those appointed to represent the party in political minority on State issues to be named solely by such member or members of the department of elections as is or are the representative or representatives of such political minority, who shall be citizens of the United States, and of the State of Delaware, of good character, able to read, write and speak the English language understandingly, qualified voters in the city of Wilmington, and not candidates for any office to be voted for by the electors of the district for which they shall be selected; every person so selected by the department of election as its choice to be an election inspector, shall on receipt of notice thereof appear within ten days thereafter before the said department for the purpose of examination, and if found qualified shall, unless excused by said department by reason of ill health or other good or sufficient cause, be bound to serve as such officer at every registration and city election for the term for which he is appointed by said department and shall take the following oath of office.

I, \_\_\_\_\_ residing at No. \_\_\_\_\_ in the city of Wilmington, do solemnly swear (or affirm) that I will support the Constitution of the United States, and of the State of Delaware, and that I will faithfully discharge the duties of the office of inspector of election for the \_\_\_\_\_ election district of the city of Wilmington according to the best of my ability, and that I am a citizen of the United States and State of Delaware, a qualified voter in the city of Wilmington, and not a candidate for any office to be voted for by the electors of the district for which I am appointed an inspector.

Penalty for  
neglect to  
comply.

And in case of refusal or neglect to comply with the above requirements, or to serve, or to act, shall be liable to a pen-

## OF THE CITY OF WILMINGTON.

alty of two hundred dollars, recoverable by said department by civil action in any court of record in the name of the "President of the department of elections of the city of Wilmington," and for the use and benefit of the city; and a failure on the part of any such person to present himself for examination, or to comply with any of the requirements of this act, preliminary to receiving his certificate of appointment within the time prescribed, or to attend on the day of any registration, or the day of any city election during said term, unless prevented by sickness or other sufficient cause, the burden of proof of which shall be upon the delinquent, shall be deemed a refusal within the meaning of this act.

*What shall  
be deemed  
a refusal.*

Whoever shall be nominated, approved and sworn into office as an inspector of elections shall receive a certificate of appointment from the department of elections, said certificate to be in such form as shall be prescribed by the said department of elections, and to specify the election district in and for which the person to whom the same is issued is appointed to serve and the date of the expiration of his term of office. The inspectors of election appointed under the provisions of this act shall hold office for one year, unless sooner removed for want of the requisite qualification or for cause; in either of which cases such removal, unless made while the inspector is actually on duty on a day of registration or election, and for improper conduct as an election officer shall only be made after notice in writing to the officer sought to be removed which notice shall set forth clearly and distinctly the reason for his removal. The neglect or refusal of any person so appointed by the department of elections to appear and qualify as an inspector within the time herein presented shall be deemed to create a vacancy in said office.

*Certificate  
to be given  
by the de-  
partment.*

*Term of  
office.*

*What shall  
be deemed  
to create a  
vacancy.*

to. They shall appoint as poll clerks two persons of different political faith and opinion on State issues and possessing the other qualifications required by this act of inspectors of elections who shall be in all respects similarly named, selected, notified, examined, appointed, commissioned and sworn as in this act required for the appointment of inspectors in and for such election district in the city of Wilmington. Said poll clerks shall hold office for the same period of time and upon the same conditions as are above prescribed for inspectors of elections, and shall receive a like certificate of appointment.

*Poll clerks.*

*Term of  
office.*

Whenever from any cause there shall exist a vacancy in the office of inspector of election or poll clerk, a person ap-



## OF THE CITY OF WILMINGTON.

Vacancies  
in office of  
inspector  
and poll  
clerk.  
How filled.

pointed to fill such vacancy shall be named by such member of said department of elections or such of the members of said department or his successors, or their successors as named, the inspector or poll clerk in whose place any such person is designated. Inspectors of elections and poll clerks appointed in pursuance of the provisions of this act shall be entitled to receive three dollars for each days' service at any registration or election, which compensation shall be paid on the certificate of the president of the department of elections as to the period of service, but no payment shall be made to any person as inspector of election or poll clerk who shall not have taken, subscribed and filed the oath, or affirmation, required herein, and who shall not during the period of his service have fully complied with all the requirements of law in anywise relating to his duties, and the acting of any such person in either of said capacities without having taken, subscribed, and filed the said oath, or affirmation, shall be deemed to be and punished as a misdemeanor. Inspectors of elections and poll clerks during the time they hold such office shall be exempt from the performance of military and jury duty and no person who by the law of this State is exempt from jury duty, shall be required to serve as an inspector or poll clerk under this act.

Compensa-  
tion. How  
paid.

Inspectors  
and poll  
clerks ex-  
empt from  
military  
and jury  
duty.

Time of  
registration  
of the qual-  
ified voters.

SECTION 9. Hereafter there shall in the city of Wilmington be a registration of the qualified voters resident in each election districts in the said city at the times hereinbefore provided, and then only. On the third Saturday and the second Saturday preceding the day of the city election in each year.

Times of  
meeting of  
the inspec-  
tors.

SECTION 10. The inspectors of election appointed pursuant to the provisions of this act, shall at the times in this act designated for registration, meet in their respective election districts at the places which, as provided in this act, shall be designated therein for such meeting, and at such time in each election district, the said inspector of election shall openly and publicly do and perform the following acts, viz:

Shall or-  
ganize.

1. They shall organize as a board by selecting one of their number to act as chairman, but in case of failure to so organize within fifteen minutes after the time fixed for meeting, the chairman shall be selected by lot.

Application  
for registra-  
tion to be  
received.

2. They shall receive the application for the registration of all such male residents of their several election districts, and such only as there are, or on the day of the election next

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following the day of making such application, would be entitled to vote therein, and who shall personally present themselves each with his proper tax receipt. Who qualified.

3. They shall remain in session on each of said days between the hours of twelve o'clock, noon, and seven o'clock in the afternoon and shall administer to all persons who personally apply to register the following oath or affirmation, viz: Time of sessions. Shall administer oaths to persons applying.

You do solemnly swear (or affirm) that you will fully and truly answer all such questions as shall be put to you touching your place of residence, name, place of birth, your qualifications as an elector, and your right as such to register and vote under the laws of this State. Form.

4. They shall then each examine each applicant as to his qualifications as an elector, and unless otherwise provided herein, shall each in a separate book immediately, and in the presence of the applicant, enter in the register to be made and furnished as provided in this act, the statements and facts below set forth and in the name following, viz: Shall examine applicant. Shall make entries of statements and facts.

First—Under the column "residence" the name and number of the street, avenue or other location of the dwelling, if there be a number, and if there shall not be a number, such clear and definite description of the place of said dwelling as shall enable it to be readily ascertained, fixed and determined, and if there shall be more than one house at the number given by the applicant as his place of residence, in which house he resides, and if there be more than one family residing in said house, either the floor on which he resides, (every floor below the level) of the ground being designated as the basement, the first floor on or above such level as the first floor, and each floor above that as the second or such other floor as it may be, or the number, or location of the room or rooms occupied by the applicant, and whether front or rear. Form of entry.  
Second—Under the column "address" the name of the applicant, giving the surname and christian name in full, but the names of all persons residing in the same dwelling to follow each other and to be under the street and house number or other description as provided of the dwelling. Third—Under the column of "sworn" the word "yes or no," as the fact shall be. Fourth—Under the column "nativity," the State, county, kingdom, empire or dominion, as the fact shall be stated by the applicant. Fifth—Under the column "of color" the words "white" or "colored," as the fact shall be.

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Sixth—Under the sub-division of the general column of "term of residence," the period by months or years stated by the applicant in response to the inquiries made for the purpose of ascertaining his qualification, and filling such column. Seventh—Under the column of naturalized, the words "yes or no" or "native" as the fact shall appear. Eighth—Under the column of "date of papers," the date of naturalization if naturalized, as the same shall appear by the evidence of citizenship, submitted and presented by the applicant in compliance with the requirements of this act. Ninth—Under the column of "court" the designation of the court, in which if naturalized, such naturalization was done, as the same shall appear by the evidence of citizenship submitted or presented by the applicant in compliance with the requirements of this act. Tenth—Under the column "qualified voters," the words "yes or no," as the fact shall appear and be determined by at least two of the board of inspectors of election, it being, however, required of them to designate as qualified voters, any male person, who being otherwise qualified under this act, except as to the payment of the county tax, shall at the day of the election immediately following, be of age, but not having been such a sufficient time to be assessed for the payment of such tax as required by this act. Eleventh—Under the column of "date of application," the month, day and year when the applicant presented himself and was adjudged a qualified voter in the election district.

Who shall designate as qualified voters.

Shall stamp the tax receipt

5. The said inspectors shall immediately upon entering the name of an applicant upon the registry as a qualified voter, stamp the tax receipt presented by him with the word "registered," the number of the district, and also the day and year of registering in letters and figures.

Inspector shall sign certificate.

6. The said inspectors shall in each election district in the city of Wilmington at the close of each day of registration, in a place to be provided therefor in each of the registers required in this act, fill up date, and each sign a certificate which shall be either printed or written, and shall be in the words and figures following, to wit:

Form.

We the undersigned inspectors of election in the district of the city of Wilmington, do jointly and severally certify that at the registration of voters held in the said election district on the            day of            and the            day of            in the year            they were registered by us as qualified voters in the said election districts,

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the names which in the book are entered as of said days, and that the number of such registered qualified was and is.

7. The said inspectors shall in each election district, or each day of any registration, before adjourning, enter in a book prepared for that purpose, which shall be known as a public copy of the registers, all such names and residences and all such date, information and statements, as during the day have been entered by the inspectors of election in the registers provided in this act. And the whole four books shall, on each of said days after the completion of such copy of the registers be carefully compared throughout, so that each of the registers and the copy thereof shall in every respect agree with each other and contain the name and residence of each person who shall have applied for registration, and the facts respecting him, as the same shall have been stated by him and entered in the registers as provided in this act. The said inspectors shall on the last day of any registration, in every year certify the said copy in the same manner as if it were an original, and within forty-eight hours after their adjournment on said last day of such registration, shall leave it suspended in a place where such registration was conducted, where it shall be and remain until the day of the next city election, to the end that the same may be inspected and copied by any elector in said city, but on the day of such election the said inspector shall take possession of said public copy, and the chairman shall closely retain the same throughout the said day, returning it to the department of elections as provided in this act for the return of the register kept by him, and shall within the same time deliver to the department of elections to be filed in their office, one of the registers made by them and the other two registers in each election district shall be retained and carefully preserved by the inspectors. *Provided*, that the register made by the inspector, who represent the party in political minority on State banner, shall always remain in the possession and custody of such inspector or his successor in office (if such there be) until the next city election for his use on that day.

Shall keep daily record of names and statements and see information received.

Books to be compared.

Shall certify to copy.

Shall remain to be inspected and certified by any elector.

Shall deliver to the department of elections one of the registers.

Inspectors to retain the other list. *Provided*.

SECTION 11. The department of elections shall have the right and it shall be their duty to carefully examine and compare with each other the several registers required by Section 10 of this act to be filed in their office, and when it shall appear by any data in their possession that any person has registered in more than one election district, they shall upon due inquiry strike his name from the register of any or all elec-

Shall compare the registers.

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When  
name may  
be stricken  
from the  
register.

Duty of  
inspector to  
be present  
at each poll-  
ing place.

Inspectors  
shall have  
the registers  
provided for  
in this city.

Shall an-  
nounce the  
name.

Each in-  
spector shall  
in the regis-  
ter write  
the name  
voted.

Duty of in-  
spector to  
note on  
register the  
name and  
residence of  
every  
person.

tion districts in which he is not a qualified voter, and to and against his name under the column "why disqualified" in such register or registers, state the reason thereof, and shall on the morning of the day of the next city election before the hour of nine o'clock A. M., deliver to the inspectors in each election district at the polling place therein, the register made by the inspector of such district, and so corrected by the department of elections, and it shall be the duty of the inspectors in each election district to be present at said polling place at said time and after receipt of the corrected register from the department of elections, and before the hour of election shall carefully compare it with the other registers and the public copy of the registers of said election district, and make them agree in all respects with said corrected register, so that at the hour of the election, all three of the registers of each election district and the public copy thereof, shall in all respects agree.

SECTION 12. The inspectors of election in each election district of the city of Wilmington shall on the day of any city election therein have with them at the polling place in said district the registers provided for in this act; they shall make use of one of said registers for guidance on said day and no vote shall be received from any person whose name shall not be found by at least two of them to be upon at least two of the said registers as a qualified voter. The chairman of said inspectors in each election district shall if present, and if absent then one of the other inspectors, shall upon any person offering to vote, announce in a loud, clear and distinct manner the name of such person; and no ballot shall be received by either of the inspectors, or deposited in the ballot box until at least two of said inspectors shall, as hereinabove provided, have examined and found the name and residence of such person and have declared the same, and that such person is entered as a qualified voter. When if the vote of the said person is received each of the inspectors shall in the register made by him write in the appropriate column bearing the heading "voted," and opposite to the name and residence of such person the word "yes." It shall be the duty of each of the inspectors to note on the said register in his possession in a suitable and separate part thereof the name and residence of each and every person, if any, whose vote shall be received in contravention of the provisions of the section, and the name of the inspector or inspectors, if any, who shall so receive or deposit in the ballot box any such vote; and it shall further be the duty of each of the inspectors

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immediately on the close of the polls on the day of election to compare the said registers as kept by them as herein provided, and attach to them a certificate in writing that the same are correctly checked, and within forty-eight hours after the completion of the canvass of the votes cast in the election district in which they served each inspector shall leave his register at the office of the department of elections, whose duty it shall be to file and preserve the same as provided in this act; and in no election district in said city shall any inspector who has custody or charge of any of the registers in this chapter provided for, ever permit said register to leave his possession (except it be the one filed in the department of elections, as provided in this act) from the time of receiving custody of the same until he shall file the same, as provided in this section, save in the event of his resignation or removal, and the appointment, as provided in this act, of his successor, when he shall promptly surrender and turn over the same to him.

Further duty of inspectors.

Shall certify that the same is correctly checked.

Register shall be left with the department of elections.

Inspectors shall promptly surrender and turn over the registers to his successor.

SECTION 13. Any person applying to register, or offering to vote, or who is registered, may on any day of registration or of election, be challenged by any qualified voter in the city of Wilmington, and any one of the inspectors of election in any election district in said city, may at any such time or times, and one of them shall administer to any person so challenged the oath or oaths provided by law to test the qualification of challenged electors, and any one of said inspectors may at such meeting administer to any applicant for registration the oath or oaths provided in this act to be administered to and taken by any such applicant; and may also administer to any elector of the election district who may be offered as a witness to prove the qualification of any person claiming the right to be registered, or to vote, the following oath: You do swear (or affirm) that you are an elector of this election district, that you will fully and truly answer all questions as shall be put to you touching the place of residence and other qualifications as an elector of the person (name to be given) now claiming the right to be registered as a voter (or to vote as the case may be) in this district.

When person offering to vote may be challenged.

Board may administer to person challenged oath.

Form of oath.

SECTION 14. Any person who is a qualified voter in the city of Wilmington may upon any day of registration or election challenge and contest the right of any person to be registered in any election district, or to vote at any poll in the said city, or may require the name of any registered person to be marked for challenge, and on any such day or days shall

Who may contest and challenge the right of a person to be registered.

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Inspectors  
may hear  
contest.

be entitled to be heard by the inspectors of election in any election district in relation to the correctness of their register.

Each party  
may design-  
ate place  
and keep a  
challenge.  
Place of  
assignment.

SECTION 15. At every city election held in the city of Wilmington each political party shall have the right to designate the place and keep a challenger at each place of registration and voting, who shall be assigned such position immediately adjoining the inspectors of election and upon the inside of the window, as will enable him to see each person as he offers to register or vote, and who shall be protected in the discharge of his duty by the inspectors of election and the police; each political party may remove any challenger appointed by it, and all vacancies which from any cause shall arise shall be filled by the same party power and authority as conferred the original appointment.

Shall be  
protected.

Challenger  
may be re-  
moved.

Poll clerks  
shall keep a  
poll list.

SECTION 16. The poll clerks at each poll in the city of Wilmington shall each keep in ink, a poll list in books to be prepared and furnished for that purpose, which shall contain a column headed "residence," a column headed "name of voter," and a column headed "remarks."

Form of  
poll books.

SECTION 17. The poll books referred to in the preceding section shall be in form as follows:

## ELECTION DISTRICT.

RESIDENCE.	NAME OF VOTER.	REMARKS.
------------	----------------	----------

Poll books  
shall keep  
the resi-  
dence of  
each elector

The residence of each elector voting shall be entered by each poll clerk in the column of his poll list headed "residence," and the name of such elector in the column headed "name of voter," and in the column of "remarks" opposite the name of each person challenged shall be noted the oath or oaths offered and taken by any such person.

Duty of  
the inspec-  
tors.

SECTION 18. In each election district in the city of Wilmington it shall be the duty of the inspectors of election to immediately after the close of the polls on the day of any election, before proceeding with the canvass of the ballots in

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the box and while the poll clerks are canvassing their books, to write in ink opposite to and against the name of each person entered in their registers who is not shown by said registers to have voted, and in the column headed "voted" the word "no" so that column may be fully filled up and the said inspectors shall then compare the said registers, make them agree, and ascertain the number of persons who by them are shown to have voted at that poll that day; and when they have made comparison and ascertained such fact the chairman of the board of inspectors, or in his absence the inspector acting as such, shall announce the same in a loud voice.

Result.  
How an-  
nounced.

SECTION 19. As soon as the poll of an election shall have been finally closed the inspectors of election in their several districts shall immediately, and at the place of the poll, proceed to canvass the votes. Such canvass shall be public and shall not be adjourned or postponed until it shall have been fully completed, and the several statements herein-after required to be made by the inspectors shall have been made out and signed by them. No vote shall be counted or canvassed in any election district unless three qualified voters in such election district, if so many claim that privilege, are allowed to be present and so near that they can see whether the duties of said inspectors are faithfully performed.

Upon the  
closing of  
poll the in-  
spectors  
shall pro-  
ceed to can-  
vass the  
votes.

Canvass  
shall not be  
adjourned.

Persons  
may be  
present.

SECTION 20. The canvass shall commence by a comparison of the poll list from the commencement, and a correction of any mistakes that may be found thereon; and such comparison shall be continued until the poll list agree as to the number of ballots deposited in the box; when they have been made to agree one of the inspectors shall publicly announce in a loud voice the number of ballots deposited in the box as shown by the poll lists.

How can-  
vass shall  
commence.

Inspector  
shall pub-  
licly an-  
nounce  
ballots.

SECTION 21. The box shall then be opened and the ballots contained therein shall be taken out and counted unopened except so far as to ascertain that each ballot is single; if two or more ballots shall be found so folded together as to present the appearance of a single ballot they shall be destroyed, if the whole number of ballots exceed the whole number of votes as shown by the poll list and not otherwise.

Box shall  
be opened  
and counted  
For what  
purpose.

SECTION 22. The board shall then proceed to canvass the votes in the following manner, the said inspectors shall open the ballots and place those which contain the same names together, so that the several kinds shall be in separate piles or

How the  
board shall  
proceed to  
canvass the  
votes.



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on separate files. One of the said inspectors shall then take the kind of ballots which appear to be the greatest in number, and count them by tens, carefully examining each name on each of said ballots. Such inspector shall then pass the ten ballots to the inspector sitting next to him, who shall count them in the same manner. The second inspector shall then call the names of the persons named in the ballot and the offices for which they are designated, and the poll clerks shall tally the votes for each of such persons. The third inspector shall watch the proceedings of the other inspectors and the poll clerks and at his option may perform the same duties in respect to the canvass as are prescribed for the second inspector, or in case of the absence of a poll clerk, may perform his duty. When the counting of each kind of ballots shall be completed, the poll clerks shall compare their tallies together and ascertain the total number of ballots of that kind so canvassed, and when they agree upon the number, one of them shall announce it in a loud voice to the inspectors, the kind of ballots which appear to be next greatest in number, and afterward each of the other kind of ballots in succession shall then be canvassed in the same manner. The ballots containing names partly from one kind of ballots and partly from another, being those usually called split tickets, and those from which the name of a person proper to be voted for on such ballots has been omitted, or erased, usually called scratched tickets, shall then be canvassed separately by one of the inspectors sitting between two of the other inspectors, which inspector shall call each name to the poll clerk, and the office for which it is designated, the other inspectors looking at the ballot at the same time, and the poll clerks making note of same. When all the ballots found in the box have been canvassed in this manner, the poll clerks shall compare their tallies together, and ascertain the total number of votes received by each candidates, and when they agree upon the number, one of them shall announce in a loud voice to the inspectors the number of votes received by each candidate on each of the kind of ballots containing his name, the number received by him, or the split and scratched tickets, and the total number of votes received by him. If after the ballots in any box have been opened or canvassed, the whole number of them shall be found to exceed the whole number of votes required by the corresponding columns of the poll lists, the said inspectors shall return all the ballots in the box, and shall thoroughly mingle the same, and one of the inspectors, to be designated by the board, shall, without seeing the same,

Inspector to  
pass the  
ballots.

Poll clerks  
shall tally  
the votes.  
Third in-  
spector to  
watch the  
proceedings  
of the other  
inspectors.

Duty of the  
poll clerks  
when can-  
vass is com-  
pleted.

Clerks shall  
announce  
what.

Scratched  
ballots how  
canvassed.

Total num-  
ber how as-  
certained.

Proceedings  
when votes  
shall exceed  
the votes of  
poll lists.

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and with his back to the box, publicly draw out of such box so many of such ballots as shall be equal to the excess which shall be forthwith destroyed, but if the ballots have been canvassed, the votes for the person named therein, shall be first deducted from the votes entered for such person on the tallies.

SECTION 23. The canvass of the ballots found in any box shall be completed by ascertaining how many ballots of the same kind corresponding in respect to the names of the persons thereon, and the office for which they are designated have been received; and the result being found the said inspectors shall securely paste or attach to each statement of such canvass hereinafter directed to be made, one ballot of each kind found to have been given for the officer to be chosen at such election; and they shall state in words at full length immediately opposite such ballot and written partly on such ballot and partly on the paper to which it shall be pasted or attached the whole number of all the ballots that were received which correspond with the one so pasted or attached so that one of each kind of the ballots received at such election for the officers then to be chosen shall be pasted or attached to such statement of such canvass. If only one ballot of any kind shall be found in the box it shall be pasted or attached to the statement to be delivered to the department of elections, and if only two ballots of any kind are found in the box one shall be pasted or attached to the statement to be delivered to the department of elections, and the other to be delivered to the clerk of the city council of Wilmington. They shall also paste or attach all the ballots rejected by them as being defective in whole or in part to the statement to be delivered to the said department of elections.

Canvass of  
the ballots  
how ascer-  
tained.

Ballot to be  
pasted to  
statement.

Shall paste  
defective  
ballots to  
statement.

SECTION 24. When the canvass of the ballots found in the box shall have been completed and the poll clerks shall have announced to the inspector the total number of votes received by each candidate, the chairman of the board of inspectors of election, or in his absence the inspector acting as such shall proclaim in a loud voice the total number of votes received by each of the persons voted for upon the ballots found in the box and the office for which they are designated, and such proclamation shall be *prima facie* evidence of the result of the canvass of such ballots.

Chairman  
shall an-  
nounce  
number of  
votes re-  
ceived.

SECTION 25. The inspectors of election in each election district shall make triplicate statements of the result of the canvass and estimate of the votes. Each of the statements shall

Inspectors  
shall make  
triplicate  
statements.

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What to  
contain.

Certificates  
and to be  
subscribed  
by inspector

If inspector  
decline to  
sign return,  
he shall  
state his  
reason.

Statement.  
How sealed.

To whom  
directed.

Time in-  
spectors  
shall make  
statement,  
and to  
whom.

Poll clerk  
shall deliv-  
er to whom.

contain a caption stating the day on which the number of the election district in relation to which such statement shall be made, and the time of opening and closing the polls of such election district. It shall also contain a statement showing the whole number of votes given for each person designating the office for which they were given, which statement shall be written, or partly written, and partly printed in words at length, and at the end thereof a certificate that such statement is correct in all respects, which certificates and each sheet of paper forming part of the statement, shall be subscribed by the said inspectors and poll clerks. If any inspector or poll clerk shall decline to sign any return, he shall state his reason therefor in writing, and a copy thereof, signed by him, shall be enclosed with each return. Each of the statements shall be enclosed in an envelope, which shall then be securely sealed with wax, and each of the inspectors, and each of the poll clerks shall write his name across every fold, at which the envelope, if unfastened, could be opened, and across the seal thereon. One of the envelopes shall be directed on the outside to the Clerk of the City Council of Wilmington, another to the Mayor, and the third to the department of elections. Each set of tallies shall also be enclosed, securely sealed, and signed in like manner, and one of the envelopes shall be directed on the outside to the department of elections and the other to the Clerk of the City Council of Wilmington. On the outside of every envelope shall be endorsed, whether it contains the statement or the tallies and for what election district.

SECTION 26. On the first Monday after the city election before the hour of ten o'clock in the forenoon, one of the said inspectors in each election district shall deliver to the department of elections, at his office, the statement directed to it; another inspector shall deliver to the clerk of the city council the statement delivered to him, and the third inspector shall deliver to the mayor the statement directed to him. One of the poll clerks shall deliver to the department of election, the tally directed to it, and the other poll clerk shall deliver to the clerk of the city council the tally directed to him. And it shall be the duty of the department of elections, and its clerk, and of the clerk of the city council and of the mayor, to be present in their respective offices, from the hour of eight o'clock to the hour of ten o'clock in the forenoon of such day. In case for any cause, the clerk of council shall fail to attend at such time and place. The president of council shall attend

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and receive, take charge of, and safely keep said statements and tallies until delivered to the clerk of council, or to the council at their next stated meeting; and if for any cause the mayor shall fail to attend at such time and place the statement shall be delivered to the city judge of the municipal court for the city of Wilmington at the city hall, who shall take charge of and safely keep said statements until delivered to the mayor. Statements and tallies to be kept.

SECTION 27. The poll lists kept at such election shall be certified in writing by both poll clerks to be a true and correct list of the votes cast at the said election in their respective election districts, and on the first Monday after the election shall be filed by such poll clerks, the one in the office of the departments of election, and the other in the office of the clerk of the city council of Wilmington. Poll lists to be certified. When filed.

SECTION 28. The remaining ballots not so pasted or attached to said statements, as hereinbefore provided, shall be destroyed, and the board of inspectors shall be dissolved. Ballots to be destroyed.

SECTION 29. In case any officer to whom any of the papers in the preceding sections are directed to be delivered, shall be absent from his office, the same may be delivered to the person authorized in such case to attend to his official duty, and the officer or person to whom any envelope containing any statement or tally, or to whom any register or copy thereof or poll list shall be delivered, as in this act provided, shall give a receipt therefor to the inspector or poll clerk, from whom the same is received, and such receipt shall be filed by said inspector or poll clerk in the office of the city auditor of the city of Wilmington before any payment for his services shall be made. In case of absence of officers, to whom papers are to be delivered. Shall give a receipt.

SECTION 30. The members of the department of elections shall on the first Monday following the city election in each year, at the hour of twelve o'clock, noon, meet in public session at the City Hall in the said city of Wilmington and canvass, declare and certify the result of such election. The envelopes delivered to said department of elections, as provided by this act, shall then and not till then, be opened by the presiding officer of said department at such session, who shall mark each separate sheet of the statement with the initials of his name, and proclaim and declare the persons elected, and before adjourning, the members of said department shall make two certificates, in writing, under their hands, or the hands of a majority of them, showing the state of the vote Time of declaring and certifying the result. Envelopes. When to be opened. Certificates to be made.

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What to  
contain.

for mayor, president of council, member or members of council, assessor, city treasurer, and for any and all other city officers, for whom votes shall have been cast (when they or any of them shall have been voted for according to law) setting forth particularly the name of every person voted for said office respectively, and the number of votes cast for each, and shall seal up each of said certificates separately in a paper with an endorsement thereon, describing the certificate enclosed, and the president or other presiding officer of the department of elections, shall either personally or by person deputed by him, on the first Tuesday following the election as aforesaid, between the hours of ten o'clock in the forenoon and twelve o'clock noon, deliver and lodge one of said certificates in the office of the clerk of the city council of Wilmington, and the other in the office of the mayor of said city, and it shall be the duty of the clerk of said council and the mayor of said city, each either in person or by deputy, to be present in their said offices respectively, at such time to receive the same.

Certificates.  
To whom  
delivered.

Duty of the  
clerk of  
council.

Council  
shall exam-  
ine the cer-  
tificates.

SECTION 31. And the council of said city at their next stated meeting after the day of election as aforesaid, shall examine the certificates so delivered to its clerk as aforesaid, and if there be no choice for mayor, president of council, city treasurer, assessor or for member of council in any of the wards, or any other city officer for whom votes shall have been cast, by reason of two or more candidates having an equal and the highest number of votes for any said offices, the council shall proceed to elect one of said candidates for such office for which he is a candidate.

Council  
shall elect.

In case of  
contest pe-  
tition shall  
be present-  
ed.

What peti-  
tion shall  
set forth.

True copy  
of petition  
to be de-  
livered.

SECTION 32. If any candidate for any of the offices before mentioned shall choose to contest the right of any person proclaiming to have been elected to such office, such candidate shall within thirty days next after such election, cause to be presented to the said council of Wilmington, his petition in writing, setting forth particularly the grounds and specifications upon which said election is contested, together with an affidavit that such petition is not for the purpose of vexation and delay, but that he does verily believe that he has just grounds for contesting such election and shall also at the same time cause to be delivered to the person whose election is contested, a true copy of such petition, upon the filing of such petition and affidavit, the council shall appoint a day, not less than ten nor more than fifteen days from the time of filing such petition and affidavit, for hearing and determining

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the same, giving public notice thereof in two newspapers published in the city of Wilmington, if so many be published at that time, and upon the day appointed for such hearing; the said city council shall sit in the City Hall in the presence of such citizens and others as may choose to be present, shall hear the allegations and proofs of the party, and shall determine according to the very right of the matter. Evidence shall be confined to the grounds and specifications set forth in the petition. The council shall have power to issue subpoenas signed by the president of council for the time being, and attested by the clerk, for persons and papers, (including all poll lists, tally lists, statements, and certificates delivered to the department of the election, clerks of council, mayor of the city, or any of them) to administer oaths and affirmations, to examine witnesses, and to do all other things requisite to arrive at a full and perfect knowledge as to the right of the case. The decision of council signed by its officers, shall be published in two newspapers printed in the city of Wilmington, if so many be published at that time, and shall be final and conclusive.

Council shall give notice.

Evidence shall be confined to the grounds and specifications.

Council may issue subpoenas for persons and papers, &c.

SECTION 33. If at the time for opening any city election, the inspectors, or a majority of them, be not present at the place of election, the voters there may without ballot by plurality, choose a person to supply the place of every such absent inspector.

In case inspector is absent, place, how filled.

SECTION 34. Every ballot box shall be so placed at a window or elsewhere, that the voters depositing any ballot and each challenger, may conveniently see every ballot received by the inspectors and deposited in the ballot box. No screen or other obstruction to such view of any ballot box by the voter, or any challenger shall be allowed.

Ballots, how placed.

No obstruction allowed.

SECTION 35. The said department of election shall rent some suitable and convenient place in the said city of Wilmington, and fit up the same for an office for the use of the said department of elections at a yearly rental not to exceed three hundred dollars.

Department shall rent a room.

SECTION 36. All data and statistics and all registers, poll books and records of every kind and nature, which under this act, or under any laws of this State, or which in compliance with any direction, resolution, or order of the said department of elections are or may be required to be made, ascertained or kept by or returned to, or filed with the said department of elections, shall at all times during office hours, be

All data statistics, &c., to be open to inspection.

## OF THE CITY OF WILMINGTON.

open to the inspection, examination, comparison and copying of any citizen or elector, free of any charge whatever.

Shall not register in but one district.

SECTION 37. No person who is registered in one election district shall register or cause himself to be registered in other district.

Assent of a majority of inspectors shall in certain cases be obtained.

SECTION 38. For all power and authority and duties in this act prescribed for and conferred upon, and all actions required by inspectors of election, or of a board of said inspectors of election, save where such authority or actions is specifically allowed to any of said inspectors, the concurrence or assent of a majority of all the inspectors of election in any election district must in all cases be obtained.

Shall not be required to serve for a succeeding year.

SECTION 39. No person shall be required to serve as an inspector of election under this act at any election district in the city of Wilmington for two successive years.

Officers shall be deemed and held to be election officers.

SECTION 40. The several officers of inspectors of election and poll clerks in this act named and created, are and shall be in all courts and proceedings deemed and held respectively to be election district officers; and it shall be the duty of the said inspectors of election and poll clerks, respectively, or a majority of said inspectors, to be in constant attendance during the hours and time fixed for the discharge of their several duties.

Inspectors or clerks to be in attendance.

SECTION 41. Any inspector of election, poll clerk, or any challenger appointed in compliance with the provisions of this act, shall at any time between the first day of registration, as required by this act, preceding the city election in each year and ten days after the official declaration and certificate of the result of any such election by the department of elections as in this act provided, have full power and authority to make a thorough and effective canvass of the election district in and for which he has been or was designated to serve and act upon any day of registration or election, and to make full inquiry respecting any and every resident of any dwelling, building, or other place of abode in any such election district, his age, term of residence, and qualifications as a voter, but the power and authority by this section conferred upon any inspector of election, poll clerk or challenger, shall wholly cease upon his resignation or removal from the office or position to which he was appointed or for which he was designated.

Inspector, clerk or challenger shall make a thorough canvass of his district, and to make full inquiry, &c.

SECTION 42. The inspectors of election in each election district of the city of Wilmington while discharging any of

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the duties imposed upon them by this act shall have full authority to preserve order and enforce obedience to their lawful commands at and around the place of registration or election, during the time of any registration election, or canvass, estimate, or return of votes; to keep the access to such places open and unobstructed, to prevent and suppress riots, tumult, violence, disorder, and all other improper practices tending to the intimidation or obstruction of voters, the disturbance or interruption of the work of registration or voting, or the canvass estimate, or return of votes, and to protect the voters and challengers from intimidation and violence; and the register, poll books, boxes and ballots from violence and fraud, and to appoint, or deputize if necessary, one or more electors to communicate their orders and directions, and to assist in the enforcement thereof.

Inspectors shall have power to preserve order, &c.

May appoint a deputy if necessary.

SECTION 43. The legal compensation of all members of the department of elections, inspectors of election, poll clerks and other officers of election, the cost and expenses of all necessary election notices, posters, maps, advertisements, registers, books, blanks and stationery, the rent and cost of fitting up, warming, lighting, cleaning and safe keeping of all places of registration and polling places; of furnishing, repairing and carting ballot boxes, and all supplies of every kind and nature for city elections in the city of Wilmington, shall be a city charge, and shall upon proper certificates and vouchers be paid in the same manner as by law provided for the payment of other expenses of the said city of Wilmington. The city council of the said city of Wilmington shall yearly levy upon the estates, real and personal, of the said city of Wilmington the amount estimated to be required to pay the expenses of registration and of all city elections which may be held in the said city during the year, and all other expenses incurred by virtue of the provisions of this act.

Cost of expenses a city charge.

How paid.

City council shall levy the estimated amount necessary to pay expense of registration

SECTION 44. It shall be the duty of the city surveyor of the city of Wilmington to furnish to the department of elections, upon their request, a map, or maps, of the several wards of said city, or any and all portions thereof.

Duty of city surveyor.

SECTION 45. Hereafter it shall not be lawful for any of the authorities, officers, or agents, of the city government of the city of Wilmington, to number or re-number any street, avenue, alley, lane, road or way in said city of Wilmington, or to anywise change or alter any such number save between the first day of July and the last day of December of any year.

Unlawful for the agents of the city government to number streets, &c.



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Unlawful  
for inspec-  
tor, poll  
clerk or  
challenger  
to keep bal-  
lots behind  
the boxes,  
&c., or in  
the polling  
place to dis-  
tribute  
tickets, &c.  
Penalty.

SECTION 46. It shall be unlawful for any inspector of election, poll clerk or challenger during the election, or canvass of ballots, to have or keep any ballots behind the boxes, or within the polling place, or for them or any person or persons within the polling place to electioneer, distribute tickets or ballot, or engage in any political discussion; any violation of this section shall be a misdemeanor and shall be punished by imprisonment in the county jail for not more than ninety days, or by fine not more than two hundred dollars or both.

Shall not  
bring, take  
or send into  
any place of  
registration  
liquors.

Penalty.

SECTION 47. Whoever during sitting of any board of inspectors of election in any election district in the city of Wilmington, whether held for the purpose of registration, reception or canvass of votes, or of making return thereof, shall bring, take, order, or send into, or shall cause to be taken, brought, ordered or sent into, or shall attempt to bring, take or send into any place of registration or election, any distilled or spiritous liquors whatever, or shall at any such time and place drink or partake of any such liquor, shall be deemed and held to be guilty of a misdemeanor, and shall be punished by imprisonment in the county jail for not more than ninety days or by a fine not more than one hundred dollars or both.

Unlawful to  
falsify, per-  
sonate or at-  
tempt to  
register or  
do any act  
to secure  
an unlaw-  
ful regis-  
tration.

SECTION 48. If at any registration of voters, or at any meeting of inspectors of election held for such purpose as provided in this act, any person shall falsely personate an elector or other person and register or attempt, or offer to register in the name of such elector or other person, or if any person shall knowingly or fraudulently register, or offer, or attempt, or make application to register in or under the name of any other person, or in or under any false, assumed or fictitious name or in or under any name not his own; or shall knowingly or fraudulently register in two election districts, or having registered in one district shall fraudulently attempt or offer to register in another, or shall fraudulently register, or attempt, or offer to register in any election district not having a lawful right to register therein, or shall knowingly or wilfully do any unlawful act to secure registration for himself or any other person, or shall knowingly, wilfully or fraudulently, by false personation or otherwise, or by any unlawful means, or procure or attempt to cause or procure the name of any qualified voter in any election district to be erased or stricken from any register of the voters of such district made in pursuance of this act or otherwise than is in this act provided; or by

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force, threat, menace, intimidation, bribery, reward, or offer, or promise thereof, or unlawful means, prevent, hinder or delay any person having a lawful right to register or to be registered from duly exercising such right, or who shall knowingly, wilfully, fraudulently compel or induce, or attempt or offer to compel or induce by such means, or any unlawful means, any inspector of election or officer of registration in any election district to register or admit to registration any person not lawfully entitled to registration in such district, or to register any false, assumed or fictitious name, or any name of any person except as provided in this act, or shall knowingly or wilfully, or fraudulently interfere with, hinder, or delay any inspector of election or other officer of registration in the discharge of his duties, or counsel, advise or induce, or attempt to induce any such inspector or other officer to refuse or neglect or comply with or to perform his duties, or to violate any law prescribing or regulating the same, or shall aid, counsel, procure or advise any voter, person, inspector of election, or other officer of registration to do any act by law forbidden or in this act constituted an offense, or to omit to do any act by law directed to be done. Every such person shall, upon conviction thereof be adjudged guilty of a misdemeanor, and shall be punished by imprisonment in the county jail not more than two years, or by fine not more than two hundred dollars or both.

Unlawful to prevent, hinder or delay persons from registering, or to induce or compel inspector or officer to register persons not entitled to register,

Penalty.

SECTION 49. If at any election hereafter held in the city of Wilmington, any person shall falsely personate any elector or other person, and vote or attempt or offer to vote in or upon the name of such elector or other person, or shall vote or attempt to vote in or upon the name of any other person, whether living or dead, or in or upon any false, assumed or fictitious name, or in or upon any name not his own, or shall knowingly, wilfully or fraudulently vote more than once for any candidate for the same office or shall vote or attempt or offer to vote in any election district without having a lawful right to vote therein, or vote more than once or vote in more than one election district or having once voted, shall vote or attempt or offer to vote again or shall knowingly, wilfully or fraudulently do any unlawful act to secure a right or an opportunity to vote for himself or for any other person, or shall by force, threat, menace, intimidation, bribery or reward or offer a promise thereof, or otherwise unlawfully, either directly or indirectly influence or attempt to influence any elector in

Unlawful for person to personate an elector.

Unlawful to attempt or offer to vote unless legally qualified,

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Unlawful  
to interfere  
with inspec-  
tor or clerk  
in any man-

giving his vote or prevent or hinder, or attempt to prevent or hinder any qualified voter from freely exercising the rights of suffrage or by any such means induce or attempt to induce any such voter to refuse to exercise any such right, or shall by any such means or otherwise compel or induce or attempt to compel or induce any inspector of an election, or other officer of election in any election district to receive the vote of any person not legally qualified or entitled to vote at the said election in such district, or shall knowingly, wilfully or fraudulently interfere with, delay or hinder in any manner any inspector of election, poll clerk or other officer of election in the discharge of his duty or by any of such means or other unlawful means knowingly, wilfully or fraudulently counsel, advise, induce or attempt to induce any inspector of election, poll clerk or other officer of election whose duty it is to ascertain, proclaim, announce or declare the result of any such election, or to give or make any certificate, document report, return or other evidence in relation thereto, to refuse or neglect to comply with his duty or to violate any law regulating the same or to receive the vote of any person in any election district not entitled to vote therein, or to refuse to receive the vote of any person entitled to vote therein, or shall aid, counsel or advise, procure or assist any voter, person or inspector of election or other officer of election, to do any act by law forbidden or in this act constituted an offense, or to omit to do any act by law directed to be done, every such person shall upon conviction thereof, be adjudged guilty of a misdemeanor and shall be punished for each and every such offense by imprisonment in the county jail for not more than two years, or by a fine not more than two hundred dollars or both.

Penalty.

Unlawful  
for clerk or  
inspector to  
keep a false  
poll list.

Misdemeanor.

SECTION 50. If any poll clerk or any inspector of election performing the duty of poll clerk shall wilfully keep a false poll list or shall knowingly insert in his poll list any false statement or any name or statement or any check, letter or mark except as in this act provided, he shall upon conviction thereof, be adjudged guilty of a misdemeanor and shall be punished by imprisonment in the county jail for not more than two years, or by a fine of not more than two hundred dollars, or both.

Unlawful  
for inspec-  
tor know-  
ingly to ex-  
clude vote  
duly ten-

SECTION 51. Every inspector of election who shall wilfully exclude any vote duly tendered, knowing that the person offering the same is lawfully entitled to vote at such election, or shall wilfully receive a vote from any person who has

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been duly challenged in relation to his right to vote at such election without exacting from such person, such oath or other proof of qualification as may be required by law or who shall wilfully omit to challenge any person offering to vote whom he knows or suspects not to be entitled to vote, and who has not been challenged by any other person, shall upon conviction thereof be adjudged guilty of a misdemeanor, and shall be punished by imprisonment in the county jail for not more than two years, or by a fine of not more than two hundred dollars, or both.

dered or to  
receive a  
vote duly  
challenged.  
&c.

Misde-  
meanor.

SECTION 52. Every inspector of election, member of the department of elections, poll clerk or other officer authorized to take part in or perform any duty in relation to any canvass or official statement of the votes cast at any election, who shall wilfully make any false canvass of such votes, or who shall make, sign, publish or deliver any false return of such election or any false certificate or statement of the result of such election, knowing the same to be false, or who shall wilfully deface, destroy or conceal any statement or certificate entrusted to his care or custody, shall on conviction thereof, be adjudged guilty of a misdemeanor and shall be punished by imprisonment in the county jail not more than two years, or by a fine of not more than two hundred dollars, or both.

Persons  
making  
false can-  
vass or sign  
and deliver  
any false  
return, or  
destroy or  
conceal any  
certificate,  
guilty of a  
misdemean-  
or.

SECTION 53. If any person other than an inspector of election shall at any such election, knowingly and wilfully put or cause to be put, any ballot or ballots or other paper having the semblance thereof into any box used at such election for the reception of votes, or if any such inspector shall knowingly and wilfully cause or permit any ballot to be in said box at the opening of the polls and before voting shall have commenced or shall knowingly and wilfully or fraudulently put any ballot or other paper having the semblance thereof into any such box at any such election unless the same shall be offered by an elector, and his name shall have been found and checked upon the registers as hereinbefore provided, or if any such inspector or other officer or person shall fraudulently before, during or after the canvass of ballots in any manner change, substitute or alter any ballot, or shall remove any ballot or semblance thereof, from or add any ballot or semblance thereof to the ballots found in any box, upon the closing of the polls, every such person shall upon conviction thereof be adjudged guilty of a misdemeanor and shall be punished by imprisonment in the county jail for not more

Person who  
shall know-  
ingly put or  
cause any  
ballot to be  
placed in  
box unless  
offered by  
elector.  
guilty of a  
misdemean-  
or.

Penalty.

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than two years, or by a fine not more than two hundred dollars, or both.

Penalty for persons guilty of neglect of duty.

SECTION 54. If any member of the department of elections, inspector of election, poll clerk or other officer of registration election or canvass of whom any duty is required in this act or by the general election laws of this State (so far as the same are consistent with the provisions of this act), shall be guilty of any wilful neglect of such duty, or of any corrupt or fraudulent conduct or practice in the execution of the same, he shall, on conviction thereof, be adjudged guilty of a misdemeanor, and shall be punished by imprisonment in the county jail for not more than two years, or by a fine of not more than two hundred dollars, or both.

Persons having custody of records, &c., who shall mutilate, deface or destroy or alter the same guilty of a misdemeanor.

Penalty.

SECTION 55. Every inspector of election, poll clerk, or other officer or person having the custody of any record, register of votes, or copy thereof, oath, return of votes, certificate, poll lists, or any paper document or evidence of any description in this act directed to be made, filed or preserved, who is guilty of stealing, wilfully destroying, mutilating, defacing, falsifying or fraudulently removing or secreting the whole or any part thereof, or who shall fraudulently make any entry, erasure or alteration therein, except as allowed and directed by the provisions of this act; or who permits any other person so to do, shall upon conviction thereof, be adjudged guilty of a misdemeanor, and shall be punished for each and every offence by imprisonment in the county jail not exceeding two years, or pay a fine of not more than two hundred dollars, or both.

SECTION 56. Every person not an officer, such as is mentioned in the last preceding section, who is guilty of any of the acts specified in said section, or who advises, procures or abets the commission of the same, or any of them, shall, upon conviction thereof, be adjudged guilty of a misdemeanor, and for each and every such offense, shall be punished by imprisonment in the county jail not exceeding two years, or by a fine not more than two hundred dollars, or both.

Persons swearing or affirming falsely, guilty of perjury.

SECTION 57. Any person who shall be convicted of wilful and corrupt false swearing or affirming in taking any oath or affirmation prescribed by or upon any examination provided for in this act, shall be adjudged guilty of wilful and corrupt perjury.

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SECTION 58. Every person who shall wilfully and corruptly instigate, advise, induce or procure any person to swear or affirm falsely, as aforesaid, or attempt or offer so to do, shall be adjudged guilty of subornation of perjury, and shall, upon conviction thereof, suffer the punishment directed by law in cases of wilful and corrupt perjury.

Any person who shall advise or induce persons to swear falsely subject to same punishment as in cases of perjury.

SECTION 59. If any person shall fraudulently change or alter the ballot of any elector, or substitute one ballot for another, or fraudulently furnish any elector with a ballot containing more than the proper number of names, or shall intentionally practice any fraud upon any elector to induce him to deposit a ballot as his vote, and to have the same thrown out and not counted, or to have the same counted for a person or candidate other than the person or candidate for whom such elector intended to vote, or otherwise defraud him of his vote, every such person shall, on conviction thereof, be adjudged guilty of a misdemeanor and shall be punished by imprisonment in the county jail for not more than two years, or by a fine of not more than two hundred dollars, or both.

Unlawful to alter the ballot of an elector.

Misdemeanor. Penalty.

SECTION 60. If any person shall wilfully disobey any lawful command of any inspector of election, or of any board of inspectors of elections, given in the execution of his or their duty as such, at any election he shall upon conviction thereof be adjudged guilty of a misdemeanor, and shall be punished by imprisonment in the county jail for not more than one year, or by a fine of not more than two hundred dollars, or by both.

Person disobeying command of inspector.

Misdemeanor.

SECTION 61. If at any registration of voters, or on any day of election, or during the canvass of the votes cast thereat, any person shall cause any breach of the peace, or use any disorderly violence, or threats of violence, whereby any such registration, election or canvass shall be impeded or hindered, or whereby the lawful proceedings of any inspector of election or board of inspectors of election, or poll clerk, or other officer of such election, or challenger, as hereinbefore provided, are interfered with, every such person shall upon conviction thereof be adjudged guilty of a misdemeanor, and shall be punished by imprisonment in the county jail for not more than two years, or by a fine of not more than two hundred dollars, or both.

Penalty for breach of the peace, &c., whereby proceedings are impeded.

SECTION 62. If any person shall knowingly or wilfully obstruct, hinder, assault, or by bribery, solicitation, or otherwise, interfere with any inspector of election, poll clerk or

Persons obstructing, hindering or assaulting inspect-

## OF THE CITY OF WILMINGTON.

or or other  
officers  
guilty of a  
misde-  
meanor.

challenger, in the performance of any duty required of him or which he may by law be authorized or permitted to perform; or if any person by any other means before mentioned or otherwise unlawfully shall on the day of registration or of election hinder or prevent any inspector of election, poll clerk or challenger in his free attendance and presence at the place of registration or of election in the election district in and for which he is appointed or designated to serve, or in his full and free access and egress to and from any such place of registration or of election, or to and from any room where any such registration or election or canvass of votes or of making any returns or certificates thereof may be had, or shall molest, interfere with, remove or eject from any such place of registration, or poll of election, or of canvassing ballots cast thereat, or of making the returns or certificates thereof; any such inspector of election, poll clerk, or challenger or shall unlawfully threaten, or attempt, or offer so to do, every such person shall be guilty of a misdemeanor and on conviction thereof shall be imprisoned in the county jail for not more than two years, or by a fine of not more than two hundred dollars, or both.

Penalty.

Penalty for  
neglect to  
exercise the  
powers conferred.

SECTION 63. Any inspector of election who shall wilfully neglect, or when called on, shall wilfully decline to exercise the powers conferred on him in this act, for any of the purposes set forth in Section 42 of this act shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished by imprisonment in the county jail for not more than one year, or by a fine not more than two hundred dollars, or both.

Unlawful  
to steal or  
break open  
ballot box.

SECTION 64. If any person shall upon the day of any such election, or before the canvass of votes is completed, steal or wilfully break or destroy any ballot box used or intended to be used at such election, or shall wilfully or fraudulently cancel, secrete or remove any such box from the custody of the inspectors of election, or shall alter, deface, injure, destroy or cancel any ballot which has been deposited in any ballot box at such election which has not been already counted and canvassed, or any poll list used or intended to be used at such election, or any report, return certificate, or other evidence in this act required or provided for, shall on conviction thereof be adjudged guilty of a misdemeanor and shall for each and every such offense be punished by imprisonment in the county jail for not more than two years, or by a fine of not more than two hundred dollars, or both.

Unlawful  
to deface  
ballots.

## OF THE CITY OF WILMINGTON.

SECTION 65. If in any election district in any registration of voters, or at any city election hereafter held in the city of Wilmington any inspector of election or poll clerk shall knowingly or wilfully admit any person to registration, or mark any entry upon any register of voters or poll books, or receive any vote or proceed with a canvass of ballots or shall consent thereto, unless a majority of the inspectors of election in said election district are present and concur, he shall upon conviction thereof be adjudged guilty of a misdemeanor and shall be punished by imprisonment in the county jail for not more than sixty days or by a fine of not more than one hundred dollars, or both.

Unlawful for inspector or clerk to admit any person to registration, &c., except by consent of the majority of inspectors.

SECTION 66. Irregularities or defects in the mode of noticing, canvassing, polling or conducting any election authorized by this act, shall constitute no defense to a prosecution for a violation of the provisions of this act.

Irregularities no defense.

SECTION 67. Upon any prosecution for procuring, offering or casting an illegal vote the accused may give in evidence any fact tending to show that he honestly believed upon good reason that the vote complained of was a lawful one; and the jury may take such facts into consideration in determining whether the acts complained of were fully done or not.

Evidence.

SECTION 68. It is hereby made the special duty of the attorney general of the State of Delaware to immediately prosecute all complaints which may be made of a violation of any of the provisions of this act to final judgment; and it shall be the duty of the department of election to notify the said attorney general of all violations under this act.

Duty of the Attorney-General.

SECTION 69. That all laws, or parts of laws heretofore passed, inconsistent with any of the provisions of this act be and the same are hereby repealed.

Inconsistent laws repealed.

SECTION 70. This act shall take effect from its passage with this proviso that the next city election in the city of Wilmington in the month of June in the year eighteen hundred and eighty-seven, shall be held in accordance with the present existing laws, and none of the provisions of this act shall apply thereto.

Time of taking effect.

*Passed at Dover, April 21, 1887.*



## OF THE CITY OF WILMINGTON.

## CHAPTER 195.

## OF THE CITY OF WILMINGTON.

## AN ACT to re-incorporate the Wilmington Coal Gas Company.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring therein), as follows:*

Charter  
continued  
in force.

SECTION 1. Every part of the original charter of the Wilmington Coal Gas Company, and of the various supplements thereto, now in force, as well all and every the provisions of all and every the acts of the General Assembly of this State, as are now in force, whereby any right, power, franchise, privilege or immunity is granted to or vested in the said The Wilmington Coal Gas Company, be, and the same is hereby extended and continued in force for the space of twenty years from and after the passage of this act, and that the said, The Wilmington Coal Gas Company, shall have, hold, enjoy and possess all and every the franchises, powers, rights, privileges and immunities which are now vested in said corporation by any law of this State for the period of twenty years from and after the passage of this act.

Public act.

SECTION 2. That this act shall be deemed and taken to be a public act and shall be published with the other public acts passed at the present session of the Legislature, and the power to revoke this charter is hereby expressly reserved to the Legislature. The said The Wilmington Coal Gas Company shall pay the expense of publishing this act in the laws and pay to the Secretary of State the same fees and taxes for this act as though it had been a private act.

*Passed at Dover, January 25, 1887.*

## OF CORPORATIONS.

## CHAPTER 196.

## OF CORPORATIONS.

AN ACT to extend the act entitled "An Act to incorporate Hebron Lodge, No. 14, of the Independent Order of Odd Fellows, at Seaford, Delaware."

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring herein):*

SECTION 1. That the act entitled "An act to incorporate Hebron Lodge, No. 14, of the Independent Order of Odd Fellows, at Seaford, Delaware," passed at Dover, January 12th, 1849, re-enacted at Dover, February 26th, 1867, be, and the same is hereby extended and continued in force for the period of twenty years from and after the passage of this act.

Act extend-  
ed and  
continued  
in force.

*Passed at Dover, February 15, 1887.*

## CHAPTER 197.

## OF CORPORATIONS.

AN ACT to incorporate the Odd Fellows Cemetery of Seaford, Sussex County, Delaware.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch concurring therein):*

SECTION 1. That John H. Cottingham, Henry W. Baker, Lewis E. Wallace, Rev. Jacob E. Nicholson, and N. H. Brown and their successors as herein provided, be, and they are hereby constituted a corporation by the name of "The Board of Directors of the Odd Fellows Cemetery of Seaford." They may take and hold property, real and personal, not exceeding in value fifteen thousand dollars for cemetery uses and purposes, may lay out, improve, ornament their grounds, and burying places, and may alien, transfer, use and dispose of the same for burial purposes, may sue and be sued,

Name of  
corporation

## OF CORPORATIONS.

Sell for burial purposes.      have a common seal, make by-laws and regulations for their government and proceedings, and have all other franchises incident to a corporation, but they shall not have or exercise any banking powers.

Seal.

SECTION 2. *Be it enacted as aforesaid,* That the said corporation shall be one for public improvement, and shall be perpetuated as follows, viz: The aforesaid five directors shall be divided by act into two classes, one class consisting of two directors to serve for one year, the other class consisting of three directors to serve for two years, so that the term of one portion of the board may expire each and every year at a time to be fixed by the by-laws. The vacancies shall be filled annually by the election or appointment of Hebron Lodge, No. 14, I. O. O. F., at a stated meeting, and upon two weeks public notice to the members of such election or appointment. Former directors may be re-elected. The cemetery grounds and improvements shall hereafter be exempt from taxation. The lots sold shall be exclusively for burial purposes, and shall be held by the purchasers to themselves and heirs. The lots may be transferred by the holders to others, but shall not be levied upon or taken in execution or other process of law or equity, and the said lots shall be held subject to the by-laws and regulations of the corporation.

Number of directors.

Term of directors.

Vacancies. How filled.

Exempt from taxation.

Burial lots not subject to execution.

SECTION 3. *And be it enacted as aforesaid,* That no public street, road, lane or walk shall be laid out or opened through or upon the cemetery lands except by and with the consent of the corporation, and all the regulations and the entire management of the cemetery shall be under the exclusive control of the directors thereof, and all the proceeds and profits realized from the sale of lots, or otherwise, shall be first applied to the making and keeping in order good and suitable fencing or other enclosure of the cemetery, in beautifying and improving it, and in preserving it in suitable order and condition.

Management.

Proceeds from sale of lots.

SECTION 4. *And be it enacted as aforesaid,* That as soon as the cemetery is laid out in walks, avenues and burying lots, a complete plot or drawing thereof shall be made and recorded in the recorder's office of Sussex county and the certificate of burial lots, according to the form prescribed by the directors, signed by the president and attested by the secretary and treasurer, shall be a valid and sufficient title. The records of the corporation and copies thereof certified by the secretary shall be competent evidence in any court of law or equity.

Plot to be recorded.

## OF CORPORATIONS.

SECTION 5. *And be it further enacted as aforesaid,* That any person who shall wilfully do any injury to the said cemetery, or the buildings, fences, fixtures thereof, or the monuments, trees, shrubbery therein, or commit any trespass on the said lands, shall forfeit and pay to the corporation for every such offence, injury or trespass, the sum of two dollars for the first offense, four dollars for the second offense, ten dollars for the third offense, with costs, and in every such case or trespass or damage, the corporation or party injured, may also proceed for damages, with costs. If any person shall place any matter in the cemetery contrary to the regulations of the board of directors, and shall not remove the same upon request and pay all damages, he shall be deemed a trespasser *ab initio*, and may be proceeded against as such. The justice of the peace of Sussex County shall have jurisdiction of all injuries, trespasses and causes of action arising under this section, if the damages do not exceed one hundred dollars, and this shall be deemed and taken to be a public act with the power of revocation reserved to the Legislature.

Penalty for  
injury to  
property.

*Passed at Dover, February 15, 1887.*

## CHAPTER 198.

## OF CORPORATIONS.

AN ACT supplementary to and amendatory of an act entitled "An act to incorporate the Ferris Reform School."

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, two-thirds of each branch thereof concurring:*

SECTION 1. That Section 2 of an act entitled "An act to incorporate the Ferris Reform School," passed at Dover, the tenth day of March, A. D. eighteen hundred and eighty-five, be, and the same is hereby amended by adding to the said section the words following, to wit: *Provided*, that on and after the passage of this act the name of every such person shall have been previously proposed for membership at a stated meeting of the board of managers, and that he shall have

Section 2 of  
the act of  
1885 amend-  
ed.

## OF CORPORATIONS.

been elected at any subsequent stated meeting of the board by a majority of the managers then present.

Time and  
place of  
electing  
board of  
managers.

Term of  
managers.

Secretary  
and treas-  
urer.

Vacancy in  
the office of  
constable.

SECTION 2. *And be it further enacted,* That at the next annual meeting of the corporators, which shall be held after the passage of this act, the board of managers shall be elected at the time and place, and in the manner now provided for in Section 3, of the original act, of which this is an amendment, except that, instead of electing eighteen managers to serve for the ensuing year, as heretofore, the said managers shall be elected to serve one, two and three years, as follows: that is to say, one-third of the said managers shall be elected to serve for the term of one year, and one-third to serve for the term of two years, and one-third to serve for the term of three years, next ensuing the said election, and thereafter, and at every annual meeting of the corporators, six managers shall be elected to serve for the term of three years, and at every such annual meeting, managers shall also be elected for such term as may be required to fill vacancies which may exist in the said board at the time of the said election. The board shall appoint a secretary and treasurer, who may or may not be members of the corporation, and the same person if deemed advisable, may be appointed to fill both offices.

SECTION 3. *And be it further enacted,* That Section 4 of the said original act, be, and the same is hereby amended by adding thereto the words following, to wit: Whenever a vacancy shall occur in the office of such constable while the Levy Court is not in session, the president of the said court for the time being, may authorize in writing the superintendent of the school to act as a special constable until the Levy Court shall make an appointment to fill the said vacancy.

*Passed at Dover, February 23, 1887.*

## OF CORPORATIONS.

## CHAPTER 199.

## OF CORPORATIONS.

A FURTHER additional supplement to the act entitled "An act to incorporate the Duck Creek Improvement Company."

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, two-thirds of each branch thereof concurring therein, as follows:*

SECTION 1. That it shall and may be lawful for the "Duck Creek Improvement Company" to so change and alter in part the location of one of its embankments as now authorized by law, so as to include within the limits of the said company's improvement the marsh lands and low lands now owned by Selina F. Isenberg, containing about one hundred acres; the said one hundred acres of land being that part of the marsh and low lands belonging to the said Selina F. Isenberg which are separated from other marsh and low lands belonging to her by an embankment recently constructed by the said company.

Change of  
embank-  
ment.

SECTION 2. That nothing contained in the preceding section shall in any manner impair or affect the appraisement and valuation heretofore made under the authority of the act to which this is a supplement, and which said valuation and appraisement constitutes the basis of assessment of taxes by the said company, but that the said valuation and appraisement shall continue unimpaired and in full force, and the lands authorized by the first section of this act to be included within the limits of said company's improvement shall be subject to taxation by the said company upon the same basis and in the same manner as are the lands mentioned in said valuation and appraisement; and with the like effect as if the same had been included in the said original valuation and appraisement with all the powers and rights which the said company may exercise conferred by existing laws in their behalf.

Original  
valuation  
not im-  
paired.

*Passed at Dover, February 28, 1887.*

## OF CORPORATIONS.

## CHAPTER 200.

## OF CORPORATIONS.

AN ACT to amend Section 3, of Chapter 514, of Volume 13, of the Laws of Delaware, entitled "An act to incorporate the New Castle Water Work Company."

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch thereof concurring):*

Act of 1879  
amended.

SECTION 1. That Section 3 of Chapter 514 of Volume 13 of the Laws of Delaware, entitled "An act to incorporate the New Castle Water Work Company," passed at Dover, April 1, 1869, be, and the same is hereby amended by striking out the word "nine" in line twelve of said Section 3, and inserting in lieu thereof the word "five" so that there shall be *five* directors of said company instead of *nine*, from and after the next annual election.

Inconsistent  
parts of  
old act re-  
pealed.

SECTION 2. That anything in the original act to which this is an amendment inconsistent herewith, is hereby repealed.

*Passed at Dover, March 9, 1887.*

## CHAPTER 201.

## OF CORPORATIONS.

AN ACT to incorporate "The Farmers' Association of New Castle County for the recovery of stolen Horses and Mules."

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch concurring therein):*

SECTION 1. That William P. Richardson, Richard Jackson, Robert L. Armstrong, James H. Hoffecker, Abner Hollingsworth, John R. Tatum, George White, George G. Lobdell, Alexander Biggs, Calvin W. Crossan, John R. Bring-

## OF CORPORATIONS.

hurst, Dr. Swithin Chandler, Dr. Caleb Harlan, Henry G. Banning, Alonza Newlin, Reuben Satterwaite, Jason Davis, Samuel A. Jackson, David Irelan, David McCoy, Joseph Petti de Mange and Eugene Rogers, and such other persons as now constitute the "Farmers' Association of New Castle County for the recovery of stolen Horses and Mules," or who shall hereafter become members of the same, are hereby declared to be a body politic and corporate by the name, style and title of "The Farmers' Association of New Castle County for the recovery of stolen Horses and Mules," to have succession for twenty years; to plead and be impleaded, to sue and be sued in all courts of record, and be capable to take, hold and enjoy lands, tenements, hereditaments, goods and chattels, and the same from time to time, to sell, grant, demise, alien and dispose of, to use a common seal, and to alter and revise the same at their pleasure. *Provided*, that the clear value of estate held by them shall at no time exceed the sum of three thousand dollars (\$3,000.00.)

Object and  
name of  
corporation.

SECTION 2. The officers of this corporation shall be such as the corporation shall deem necessary, who shall be elected annually, or otherwise, as the rules and by-laws of the corporation may direct.

Officers.

SECTION 3. This corporation, when convened by due notice given to the members, shall have power and authority to make, ordain and establish such rules and by-laws relating to the concerns of the company as they may deem necessary and proper. *Provided*, that no rule or by-law shall be inconsistent with the Constitution and Laws of this State or of the United States.

Rules and  
by-laws.

SECTION 4. The present officers shall continue in their respective offices until others are duly elected.

SECTION 5. This act shall be deemed and taken to be a public act.

SECTION 6. This act may be revoked or repealed by the Legislature.

*Passed at Dover, March 22, 1887.*



## OF CORPORATIONS.

## CHAPTER 202.

## OF CORPORATIONS.

## AN ACT to incorporate the Delaware Telephone Company.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring):*

**SECTION 1.** That Jacob G. Brown, Robert H. Smith, Edwin R. Cochran, John Wesley Taylor, Edwin L. Martin, Abram N. Brown, Thos. Bacon, Albert L. Hudson, Dr. C. H. Richards, Edward D. Burton, John P. R. Polk, George W. Whitaker, Wilbur H. Burnite, Edwin M. Stevenson, Edgar H. Bancroft, James T. Shallcross, William P. Biggs, Wilson N. Brown and Charles Barker, be and they are hereby appointed commissioners to do and perform the several things hereinafter mentioned, that is to say: They or a majority of them shall procure and cause to be opened at such times and places and at such notice as they deem proper, suitable books for subscriptions to the stock of "The Delaware Telephone Company." The capital stock of the said company shall be five thousand dollars, divided into two thousand shares of twenty-five dollars each, and the company shall at any time have the privileges and power to increase the said capital stock whenever a majority of the stockholders shall vote for such increase at a meeting called for the purpose in accordance with the by-laws of the company; *Provided*, that the capital of said company shall never be increased so as to exceed the sum of two hundred thousand dollars. Certificates of said stock shall be signed by the president and countersigned by the secretary, and sealed with the corporate seal, which stock shall be transferable in person or by attorney, executors, administrators, guardians, trustees, or officers under such regulations as may be provided by the by-laws.

**SECTION 2.** That when and as soon as one hundred shares of the capital stock in said company shall be subscribed as aforesaid and six per centum of the par value of said stock paid in, the subscribers and such others as may hereafter become stockholders, their successors and assigns, shall be and they are hereby declared to be a corporation and body politic for the purpose of making, using and maintaining telephone lines and communications, or lines for the transaction of any

## OF CORPORATIONS.

business in which electricity may be applied to any useful purpose throughout the "State of Delaware," by the name and style of "The Delaware Telephone Company," and by said corporate name the subscribers and such other persons as may hereafter become stockholders, their successors and assigns, shall have perpetual succession and be able to sue and be sued, plead and be impleaded in all courts of record and elsewhere, and to purchase, receive, have, hold and enjoy to them, their successors, and assigns, real and personal property of every kind whatsoever, and the same from time time to grant, mortgage, sell, alien, lease and dispose of, and to declare dividends of such portion of the profits of the company as they may deem proper; also to make and have a common seal and the same to break, alter and renew at their pleasure, and also to make and ordain by-laws and regulations for the government of the said corporation not inconsistent with the Constitution and Laws of this State, or of the United States, and generally to do all and singular the matters and things necessary for the carrying out of the objects of said corporation, or which they may lawfully do for the well-being of the said corporation, and the ordering of the affairs and business of the same.

Have perpetual succession,

May declare dividends out of the profits.

SECTION 3. That as soon as one hundred shares shall be subscribed as aforesaid, the said commissioners, or a majority of them, shall call a general meeting of the said subscribers at Dover, at such time as they may appoint, and shall give ten days' public notice thereof. And at such meeting the said commissioners shall lay the subscription books before the subscribers then and there present, whereupon the subscribers, or a majority of them, shall elect nine directors, a majority of whom shall be citizens of the State, and all of them stockholders of the said company, and their term of office shall be until the annual meeting of the stockholders next succeeding their election and until their successors are elected. The said election shall be conducted by three of the said commissioners as judges thereof, the voting shall be done by ballot, all votes shall be given in person or by proxy, and each share of stock shall entitle the owner to one vote. The powers and duties of the said directors shall be in all respects the same as those of the directors elected at any annual meeting.

Ten day's notice of meeting at Dover.

Directors.

Votes. How given..

SECTION 4. That there shall be an annual meeting of the stockholders on the second Tuesday in January in each and every year thereafter in the town of Dover. At their annual meetings the stockholders shall elect nine directors, a ma-

Annual meeting.

## OF CORPORATIONS.

jority of whom shall be citizens of this State and all of them stockholders in the said company. The election shall be conducted by three of the stockholders, not being directors, to be appointed by the directors for the time being as judges of the election. The voting shall be by ballot; all votes shall be given in person, or by proxy duly constituted, and each share of stock shall entitle the owner to one vote. The directors immediately after their election shall proceed to choose one of their number as president of their company and of the board of directors, and their term of office shall be until the annual meeting of the stockholders next succeeding their election and until their successors shall be duly chosen. The directors shall also appoint immediately after their election a secretary and treasurer of the said company, who shall continue in office for the term aforesaid and until their successors shall be duly appointed, unless sooner removed for cause by the directors. They shall require of the treasurer on his appointment a bond with sufficient security for the proper performance of the duties of his office and the faithful discharge of the trust reposed in him by the said company. A majority of the whole number of directors shall constitute a quorum for the transaction of business and in the absence of the president may appoint a chairman of the board *pro tempore*. Vacancies in the board of directors, and in the office of president, secretary and treasurer may be filled by the remaining directors to continue as aforesaid.

Secretary and treasurer.  
 Bond of treasurer.  
 Vacancies. How filled.

SECTION 5. The said board of directors shall exercise all the powers pertaining to the making, using and maintaining of the said telephone lines and communications, or lines for the transaction of any business in which electricity may be applied to any useful purpose, and shall conduct and administer the affairs and business of the corporation in any manner not inconsistent with its charter and by-laws; may employ such officers, agents and servants as they may deem necessary; may fix the compensation of such officers, agents and servants, and take security by bond, or otherwise, for the faithful performance of their duties, and fix their rates or charges for the use of said lines. *Provided*, that the use of said lines shall be open to the public without discrimination in favor of or against any person or persons, and that the rates or charges for using the same shall be fair and reasonable.

Compensation of officers and agents.

Dividends. The directors shall declare dividends of so much of the net profits of the corporation as they shall deem expedient.

## OF CORPORATIONS.

*Provided*, that no dividend shall be made except out of the net profits of the corporation.

SECTION 6. At the annual meetings all corporate business of the company may be transacted, but at special or called meetings only such business as may be specified in the call. And if at any time the annual meeting shall not be held or there shall be a failure to elect a board of directors at any annual meeting the corporation shall not for that cause be deemed to be dissolved, but it shall be lawful to have and hold such election at any time afterwards at the town of Dover on giving twenty days notice thereof in three newspapers published in this State, one thereof in the town of Dover. At all meetings of the stockholders each share of stock shall entitle the owner to one vote, and absent stockholders may vote by proxy authorized in writing, and the manner of calling and conducting all meetings, what number of stockholders shall attend either in person or by proxy, or what number of shares or amount of interest shall be necessarily represented at any meeting in order to constitute a quorum, and the requisites and qualifications of a proxy shall be determined by the by-laws of said corporation.

Special  
meetings.

Special  
election of  
directors.

SECTION 7. That the commissioners named in this act and the president and directors of said corporation be, and they are hereby authorized and empowered to receive and accept in payment of any subscription to the capital stock of said corporation, any line or lines of telephone already erected and constructed, and the poles, wires, insulators and batteries belonging to the same, at such price as may be agreed upon between the said commissioners or a majority of them, or by the directors of said corporation, or a majority of them, and the party or parties owning the said lines, poles, wire, insulators and batteries. The directors of said corporation may call for the payment of the stock subscribed at such times, and in such instalments as they shall deem expedient, giving suitable notice of such call by advertisement, or otherwise, for at least two weeks.

Telephones  
already  
erected.

The subscribers to the capital stock shall pay to the treasurer of said corporation the instalments of each share by them subscribed, as the same shall be respectively called in, pursuant to the public notice and call of the said directors, and if any subscriber shall omit for thirty days after such call to pay any such instalment at the time and place appointed in such notice, he shall pay in addition to such instalment at the rate of two per cent per month for the delay of such payment, or

Payment of  
subscriptions.

## OF CORPORATIONS.

the shares so held by him, with all previous instalments paid thereon, may be declared forfeited to the corporation at the option of the directors. All sums of money which shall accrue to the company under this section, may be sued for and recovered, as debts of like amount are recoverable under the laws of this State.

Power to  
lease or  
connect  
with other  
companies.

SECTION 8. The said, The Delaware Telephone Company at any time after the organization thereof, shall have power to connect by contract with other persons or corporations having telephone or telegraph lines within or out of this State for the purpose aforesaid, and it may also lease to other companies, associations or individuals, incorporated by this or any other State, the lines of the corporation with their fixtures, buildings and apparatus, or lease from any individuals, associations or corporations, incorporated by this or any other State, their lines, fixtures and apparatus, and may carry on a part of its business out of this State, and have one or more offices or places of business out of this State, and may hold, purchase and convey real and personal estate out of this State as if the same were within this State. *Provided, however,* that no lease or agreement in the nature of a lease entered into by the directors of the said company shall be valid or binding upon the said company until after said agreement shall have been submitted to the stockholders of said company at a meeting thereof, duly called separately for the purpose of taking the same into consideration and approved by two-thirds of the votes cast at said meeting.

Power to  
construct  
telephone  
lines, &c.

Poles not to  
interfere  
with com-  
mon roads,

Consent of  
authorities.

SECTION 9. That the said, The Delaware Telephone Company shall have power to make and construct telephone or telegraph lines, and to establish connection by telephone or telegraph, between any of the cities, towns, villages and hamlets in the State of Delaware, and between any other points the said company may select; and to establish offices for the receiving and sending messages over the routes of the said lines, and may erect and construct poles, works, edifices and structures along, under and across any of the roads, highways, streets and waters within this State along or across which they shall convey their wires. The said poles, structures or works to be so placed as not to interfere with the common use of such roads, highways, streets and waters. *Provided,* that before erecting and constructing the said poles, works, edifices and structures along, under or across the streets of any city or incorporated town, the consent of the mayor, council, or other proper authority, must first be had

## OF CORPORATIONS.

or obtained. And the said corporation and all persons by them authorized, appointed or employed, shall have power and authority to enter into and upon, hold, occupy and enjoy any land for the purpose of locating and constructing the said telephone or telegraph lines, and using, repairing and maintaining the same upon which the same may be located, or which may be necessary or convenient for the location of the same. *Provided*, that such compensation shall previous thereto be made or tendered to the owner or owners of the land occupied for such purpose as shall be agreed upon between the parties or determined as hereinafter directed. *And provided further*, that they shall be restricted to such an amount of land as will be necessary for telephone or telegraph purposes only.

Compensation to land owners.

SECTION 10. That whenever the said corporation and the owner or owners of the land occupied, or to be occupied as aforesaid, cannot agree upon the amount of damages to be paid, or by reason of the absence or legal incapacity of such owner or owners, no such agreement can be made for the right to enter upon land for the purposes named in the foregoing section, the said corporation may apply to any Judge of the Superior Court of this State in vacation, first giving to the other party at least five days notice in writing of the intended application, if within this State, and the said judge shall appoint five judicious and impartial freeholders to view the premises and assess the damages which the said owner or owners will sustain by reason of the said corporation entering upon and holding, occupying and enjoying the same for the purposes aforesaid. The said freeholders shall be sworn or affirmed before some judge, justice of the peace, or notary public, before entering upon the premises, faithfully and impartially to perform the duty assigned them, and they shall give ten day's written notice to the owner or owners, if within this State, and the same to the president of the said corporation, of the time of their meeting for the discharge of their duty, which shall be upon the premises, and they shall make report in writing under their hands or under the hands of a majority of them, to both parties; but if either party be dissatisfied with the damages so assessed, such party may, upon application to the Prothonotary of the Superior Court in and for the county where the said land is situated, within thirty days after such assessment, sue out a writ of *ad quod damnum* requiring the sheriff, in the usual form, to inquire of twelve impartial men of his bailiwick of the damages aforesaid, and their report shall be final.

Freeholders to assess damages.

Right of appeal.

## OF CORPORATIONS.

Cost of appeal.

The fees of the freeholders and cost of the writ in case of appeal shall be paid by the corporation whenever the amount of damages assessed is greater than the amount of compensation or damages tendered or appealed from, and shall be paid by the owner or owners of the land whenever the amount is less than the amount tendered or appealed from.

Wilful damage to property.

SECTION 11. That if any person or persons shall wilfully and intentionally damage, injure or destroy the said telephone or telegraph line or lines, or any part thereof, or the wires, poles, insulators, batteries, works, edifices, structures, or other property of the said corporation, the person or persons so offending, shall be liable to the said company in a civil action for double the damages sustained, and shall moreover be guilty of a misdemeanor, and on indictment and conviction, shall be fined not more than five hundred dollars at the discretion of the court.

SECTION 12. That this act shall be deemed and taken to be a public act, and may be pleaded and given in evidence as such in all courts of law and equity in this State, and that this charter shall be subject to the power of revocation for the misuse or abuse of its privileges by the said company, which is hereby reserved to the Legislature.

*Passed at Dover, April 8, 1887.*

## CHAPTER 203.

## OF CORPORATIONS.

A SUPPLEMENT to the act entitled "An act to incorporate the New Castle Gas Company."

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring therein) as follows:*

Additional powers.

SECTION 1. That in addition to the powers now conferred by any law or statute of this State upon the New Castle Gas Company, the said New Castle Gas Company is hereby au-

## OF CORPORATIONS.

thorized and empowered to erect the necessary buildings, apparatus and machinery, for making and distributing gas for heating and culinary purposes, and for supplying power for engines and motors of all kinds, also for making steam for heating, and all other purposes aforesaid, and also for making, furnishing and distributing light or heat from electricity, with as full and ample power and authority to lay all the necessary pipes, lines and other conductors of gas, steam, heat and electricity within the city of New Castle, and also in New Castle Hundred, as the said corporation now has or possesses, under any law or statute of this State, to lay pipes and other conductors of gas for light, and to make, supply and distribute gas, steam, heat and other electricity within the limits aforesaid, for the purposes aforesaid, and to estimate, ascertain and measure the same by means which it may adopt, and to sell and dispose of the same to all persons who may desire it, at such reasonable and fair prices as it may determine, and in the collection of said price or prices, the said corporation shall have, enjoy and exercise all the rights, powers and privileges which are now conferred by law upon it for the collection of the price of gas for light, and in the exercise of any or all of the additional powers conferred upon the said, the New Castle Gas Company, by this act; the said corporation shall have, use, enjoy and possess all the right, powers, privileges, franchises and immunities which it now has, possesses and enjoys, under any law or statute of this State. And all the pains and penalties prescribed in the original act of assembly incorporating said company or any supplement thereto, shall apply with equal force to this act.

Pains and  
penalties.

SECTION 2. That the capital stock of the said, the New Castle Gas Company, may be increased to a sum not exceeding two hundred thousand dollars, either at one time, or from time to time, as the directors may determine, and the directors of the said company shall have power to issue the additional stock in shares of the same par value as those already issued, and to dispose of the same in such manner, and at such time or times, as in the discretion of said directors it may be necessary to enlarge the operation of said company to meet the public wants, and to carry into effect and operation the additional powers conferred upon said corporation by this act.

Increase of  
capital  
stock.

SECTION 3. This act shall be deemed and taken to be a public act, and published as such.

*Passed at Dover, April 11, 1887.*



## OF CORPORATIONS.

Cost of appeal.

The fees of the freeholders and cost of the writ in case of appeal shall be paid by the corporation whenever the amount of damages assessed is greater than the amount of compensation or damages tendered or appealed from, and shall be paid by the owner or owners of the land whenever the amount is less than the amount tendered or appealed from.

Wilful damage to property.

SECTION 11. That if any person or persons shall wilfully and intentionally damage, injure or destroy the said telephone or telegraph line or lines, or any part thereof, or the wires, poles, insulators, batteries, works, edifices, structures, or other property of the said corporation, the person or persons so offending, shall be liable to the said company in a civil action for double the damages sustained, and shall moreover be guilty of a misdemeanor, and on indictment and conviction, shall be fined not more than five hundred dollars at the discretion of the court.

SECTION 12. That this act shall be deemed and taken to be a public act, and may be pleaded and given in evidence as such in all courts of law and equity in this State, and that this charter shall be subject to the power of revocation for the misuse or abuse of its privileges by the said company, which is hereby reserved to the Legislature.

*Passed at Dover, April 8, 1887.*

## CHAPTER 203.

## OF CORPORATIONS.

A SUPPLEMENT to the act entitled "An act to incorporate the New Castle Gas Company."

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring therein) as follows:*

Additional powers.

SECTION 1. That in addition to the powers now conferred by any law or statute of this State upon the New Castle Gas Company, the said New Castle Gas Company is hereby au-

## OF CORPORATIONS.

thorized and empowered to erect the necessary buildings, apparatus and machinery, for making and distributing gas for heating and culinary purposes, and for supplying power for engines and motors of all kinds, also for making steam for heating, and all other purposes aforesaid, and also for making, furnishing and distributing light or heat from electricity, with as full and ample power and authority to lay all the necessary pipes, lines and other conductors of gas, steam, heat and electricity within the city of New Castle, and also in New Castle Hundred, as the said corporation now has or possesses, under any law or statute of this State, to lay pipes and other conductors of gas for light, and to make, supply and distribute gas, steam, heat and other electricity within the limits aforesaid, for the purposes aforesaid, and to estimate, ascertain and measure the same by means which it may adopt, and to sell and dispose of the same to all persons who may desire it, at such reasonable and fair prices as it may determine, and in the collection of said price or prices, the said corporation shall have, enjoy and exercise all the rights, powers and privileges which are now conferred by law upon it for the collection of the price of gas for light, and in the exercise of any or all of the additional powers conferred upon the said, the New Castle Gas Company, by this act; the said corporation shall have, use, enjoy and possess all the right, powers, privileges, franchises and immunities which it now has, possesses and enjoys, under any law or statute of this State. And all the pains and penalties prescribed in the original act of assembly incorporating said company or any supplement thereto, shall apply with equal force to this act. Pains and penalties.

SECTION 2. That the capital stock of the said, the New Castle Gas Company, may be increased to a sum not exceeding two hundred thousand dollars, either at one time, or from time to time, as the directors may determine, and the directors of the said company shall have power to issue the additional stock in shares of the same par value as those already issued, and to dispose of the same in such manner, and at such time or times, as in the discretion of said directors it may be necessary to enlarge the operation of said company to meet the public wants, and to carry into effect and operation the additional powers conferred upon said corporation by this act. Increase of capital stock.

SECTION 3. This act shall be deemed and taken to be a public act, and published as such.

*Passed at Dover, April 11, 1887.*

## OF CORPORATIONS.

## CHAPTER 204.

## OF CORPORATIONS.

AN ACT to re-incorporate the "Cooper Cemetery" of North Murderkill Hundred, in Kent County.

Preamble. WHEREAS, The act incorporating the "Cooper Cemetery" of Murderkill Hundred, in Kent County, passed at Dover, March 5, 1867, and the act supplementary thereto, passed at Dover, March 14, 1867, are now about to expire; and,

WHEREAS, As set forth in the original act of incorporation, it is the desire of many citizens of North Murderkill Hundred, residing in the neighborhood of Willow Grove, and of the citizens of the adjacent hundreds, that a cemetery should be established on lands late of Samuel B. Cooper, deceased, about two miles distant from the said village of Willow Grove, for the accommodation of the neighborhood, and of such other communities as may be interested therein; and,

WHEREAS, It is desirable that the persons interested in this enterprise may be incorporated with a view to the proper management of the affairs, of the said cemetery with such powers as are necessary for that purpose; and,

WHEREAS, It is reasonable and necessary to provide for the permanent establishment of such cemetery so that those who bury there may be assured of continued protection to the remains of their relatives and friends who have been interred therein, and the decent preservation of the ground. Therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch concurring therein):*

Corporators. That Thomas Gooden, John Bell, John W. F. Cooper, John Sherwood, Peter S. Cooper, John C. Gooden, William T. Gooden, Nathan Moore, Thomas Cook, and such other persons as may be the proprietors of burial lots in the said cemetery, be and they are hereby constituted and ordained a body politic and corporate by the name, style and title of

Name. "The Cooper Cemetery Association of North Murderkill Hundred," with capacity and power to take and hold by contract, devise, bequest, gift, assignment, or purchase, lands, tenements, goods and property; to alien, transfer, use

## OF CORPORATIONS.

and dispose of the same; sue and be sued; have and use a common seal, make by-laws, and exercise and enjoy all other the franchises incident to a corporation, subject to the following restrictions, viz: The said corporation shall not have nor exercise any banking powers or privileges, nor hold property, real and personal, of a greater amount than five thousand dollars over and above the lands actually used by them for the purposes of such cemetery and the buildings, fixtures, fences and implements belonging to the same.

Amount of  
property to  
be held.

SECTION 2. *And be it further enacted by the authority aforesaid,* That the said corporation shall be perpetuated by the transmission and transfer of burial lots, and shall be capable at any time of purchasing adjoining land for the enlargement of the said cemetery. *Provided,* that it shall not be lawful for the said corporation to acquire by purchase, or otherwise, more land beyond the quantity actually necessary for burial purposes.

To hold  
land only  
for burial  
purposes.

SECTION 3. *And be it further enacted by the authority aforesaid,* That the ground and properties of the said cemetery shall be exempted from taxation, and the estate of the proprietors respectively in their respective lots shall be of qualified inheritance, that is to say: The same shall descend as real estate to heirs, but shall not be levied on nor taken by execution or any process of law or equity, and shall not be aliened or devised so as to vest any estate therein in the alienee or devisee without the approval of the board of directors, and the said lots shall be held subject to the constitution, by-laws and regulations of the said corporation. *Provided,* that the said exemption from attachment, execution, &c., shall not extend or apply to more than the lot or lots designed or used for family sepulture.

Exempt  
from tax-  
ation.

Board of di-  
rectors to  
approve of  
sales.

SECTION 4. *And be it further enacted by the authority aforesaid,* That certificates of burial lots, according to the form prescribed by the board of directors, signed by the president, attested by the secretary, under the common seal of said corporation, shall be a valid and sufficient title. The records and record books of the corporation, kept by the secretary under the constitution and by-laws of the same, shall be competent evidence in any court of law or equity, and copies of said records and of entries in said books, certified by the secretary under the common seal of said corporation, shall also be competent evidence in such courts.

Certificates  
of burial  
lots suffi-  
cient title.

Records  
kept by  
evidence.

## OF CORPORATIONS.

**SECTION 5.** *And be it further enacted by the authority aforesaid,* That any person who shall wilfully do any injury to the said cemetery, or the buildings, fixtures or fences thereof, or the monuments, or trees therein, or the shrubbery, or commit any trespass on the said land, shall pay to the corporation for every such injury or trespass the sum of five dollars, and for wilfully doing the same injury or an injury of the like kind, or committing a like trespass the second time, the sum of ten dollars, or in every such case the corporation may elect to proceed for damages, and in that case shall recover treble damages. If any person shall place any matter or thing in the said cemetery in contravention of the regulations of the board of directors, or of the constitution, and shall not remove the same upon request and pay all damages, he or she shall be deemed a trespasser *ab initio*. The justice of the peace for Kent County shall severally have jurisdiction of all injuries, trespasses, and causes of action arising under this section, if the damage do not exceed one hundred dollars. In every case of recovery, double costs shall be awarded to the plaintiff.

Penalty for  
injury or  
trespass.

Justice to  
have juris-  
diction.

**SECTION 6.** *And be it further enacted by the authority aforesaid,* That the board of directors of the said association shall have full power and authority to assess, levy and collect taxes at the rates to be fixed by the by-laws from the owner or owners of any burial lot or lots in the said cemetery for the purpose of defraying the necessary expenses of the said association.

Directors  
have power  
to levy  
taxes.

**SECTION 7.** *And be it further enacted by the authority aforesaid,* That all the regulations and the entire management of the cemetery shall be under the exclusive control of the board of directors which shall consist of nine members. The said board of directors shall be elected by the incorporators mentioned in the first section of this act, and such other persons as may be the proprietors of burial lots in said cemetery, and the board so elected shall continue in office until their successors shall be duly chosen. Upon the failure or neglect of the corporation to elect in any year the board of directors as aforesaid, the said board shall have power to supply by election any vacancy that may occur in their number by reason of death, resignation, removal from the hundred in which the said cemetery is located, or removal by impeachment of the board. Five members of the board of directors shall constitute a quorum to do all business. The said incorporators mentioned in the first section of this act,

To be under  
control of  
board of  
directors.

Quorum of  
directors.

## OF CORPORATIONS.

and such other persons as may be the proprietors of burial lots in said cemetery shall meet at Willow Grove on the second Saturday in April next ensuing, at 2 o'clock P. M., or on some day thereafter as soon as practicable, and proceed to elect from their number the aforesaid board of directors. The said board shall elect from its members a president, a secretary, a treasurer, and adopt a common seal. The said corporation shall meet annually on the second Saturday of April, <sup>Annual</sup> and may hold adjourned and called meetings as the by-laws <sup>meetings.</sup> may prescribe.

SECTION 8. *And be it further enacted by the authority aforesaid,* That this shall be deemed and taken to be a public act, and the corporation hereby re-created a corporation for public improvement, and the power of revocation is hereby reserved to the Legislature.

*Passed at Dover, April 11, 1887.*

## CHAPTER 205.

## OF CORPORATIONS.

AN ACT to incorporate the Old School Baptist Cemetery of Cow Marsh, in North Murderkill Hundred, Kent County, Delaware.

WHEREAS, The religious society known as the "Old School Baptist Church," at Cow Marsh, has owned and kept up during several generations a cemetery at a place commonly known as Mount Moriah, situated about four miles from Willow Grove on the direct road towards Greensborough in the State of Maryland, and maintained the same for the burial of their deceased relatives and friends, and of the strangers in their midst, without regard to any religious discrimination, either in creed or dogma; and, Preamble.

WHEREAS, The said religious society have desired that they and their successors may be incorporated for managing the affairs thereof, with such powers as are necessary for that purpose; and,

WHEREAS, It seems reasonable and necessary to provide

## OF CORPORATIONS.

for the permanence of the corporation so that those who bury in said cemetery may be assured of continued protection to the remains of their relatives and friends, and of the strangers who have been committed to the earth and the decent preservation of the grounds. Therefore,

*\*Corporators* SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch concurring therein):* That William Gooden, Ezekiel C. Frazer, Peter Meredith, Thomas B. Cooper, Benjamin C. Cabbage, John Gooden, John C. Gruwell, Jacob B. Meredith, Peter C. Frazer, and such other persons as may be connected or associated with said religious society, and shall be actual proprietors of burial lots in the said cemetery, be and they are hereby constituted and ordained a body politic and corporate by the name, style and title of "The Old School Baptist Cemetery of Cow Marsh," with capacity and power to take and hold by contract, devise, bequest, gift, assignment, or purchase lands, tenements, goods and property; to alien, transfer, use and dispose of the same; sue and be sued; have and use a common seal; make by-laws and exercise and enjoy all other the franchises incident to a corporation, subject to the following restrictions, viz: The said corporation shall not have or exercise any banking powers nor hold property, real and personal of a greater amount than eight thousand dollars over and above the land aforesaid, and such other land as may be added to the said cemetery, and the buildings, fences, fixtures and burial lots in the said cemetery and belonging to the same.

*Amount of property to be held.*

SECTION 2. *And be it further enacted by the authority aforesaid,* That the said corporation shall be perpetuated by transmission and transfer of burial lots, and shall be capable at any time of purchasing adjoining land for the enlargement of the said cemetery; *Provided,* that it shall not be lawful for the said corporation to acquire by purchase, or otherwise, more land beyond the quantity actually necessary for burial purposes.

*To acquire land only for burial purposes.*

SECTION 3. *And be it further enacted by the authority aforesaid,* That the ground and properties of the said cemetery shall be exempted from taxation and the estate of the proprietors, respectively, in their respective lots shall be of qualified inheritance; that is to say, the same shall descend as real estate to heirs but shall not be levied on, nor taken by execution nor any process of law or equity, and shall not be aliened or devised so as to vest any estate therein in the

*Exempt from taxation.*

## OF CORPORATIONS.

alienee or devisee without the approval of the board of directors; and the said lots shall be held subject to the constitution, by-laws and regulations of the said corporation; *Provided*, that the said exemption from attachment, execution, &c., shall not extend or apply to more than the lot or lots designed or used for family sepulture.

SECTION 4. *And be it further enacted by the authority aforesaid*, That no street, road, lane, alley or walk shall be opened, made or laid out through or upon the land of the said cemetery except by and with the consent of the corporation. *Provided*, that nothing in this section shall prevent the relatives and friends of the buried, or the owner or owners of burial lots from erecting memorials and beautifying said burial lots, or the right of ingress, egress or regress at all seasonable times, in accordance with the established usages and regulations of the said corporation.

Streets,  
roads,  
lanes and  
alleys.

SECTION 5. *And be it further enacted by the authority aforesaid*, That certificates of burial lots according to the form prescribed by the board of directors, signed by the president, attested by the secretary, and under the common seal of the said corporation, shall be a valid and sufficient title. The records and record books of the corporation, kept by the secretary, under the constitution and by-laws of the same, shall be competent evidence in any court of law or equity, and copies of said records and of entries in said books, certified by the secretary, under the common seal of said corporation, shall also be competent evidence in such courts.

Certificates  
of board  
and title.

SECTION 6. *And be it further enacted by the authority aforesaid*, That any person who shall wilfully do any injury to the said cemetery, or the buildings, fences or fixtures thereof, or the monuments or trees therein, or the shrubbery, or commit any trespass on the said land, shall pay to the corporation for every such injury or trespass the sum of five dollars, and for wilfully doing the same injury or an injury of the like kind or committing a like trespass the second time, the sum of ten dollars, or in every such case, the corporation may elect to proceed for damages, and in that case shall recover treble damages. If any person shall place any matter or thing in said cemetery in contravention of the regulations of the board of directors, or of the constitution, and shall not remove the same upon request, and pay all damages, he or she shall be deemed a trespasser *ab initio*. The justices of the peace for Kent County, shall severally have jurisdiction of all injuries, trespasses and causes of action under this section, if

Penalty for  
injury to  
buildings,  
&c.

Justices of  
the Peace  
to have  
jurisdiction.



## OF CORPORATIONS.

the damages do not exceed one hundred dollars. In every case of recovery, double costs shall be awarded to the plaintiff.

Power to  
tax.

SECTION 7. *And be it further enacted by the authority aforesaid,* That the board of directors of the said association shall have full power and authority to assess, levy and collect taxes, at the rates to be fixed by the by-laws from the owner or owners of any burial lot or lots in the said cemetery for the purpose of defraying the necessary expenses of the said association.

Manage-  
ment.

SECTION 8. *And be it further enacted by the authority aforesaid,* That all the regulations and the entire management of the cemetery shall be under the exclusive control of the board of directors, which shall consist of nine members. The said board of directors shall be elected by the incorporators named in the first section of this act, and such other persons as may be connected or associated with the said religious society, and shall be actual proprietors of burial lots in the said cemetery, and the said board so elected shall continue in office until their successors be duly chosen. Upon the failure or neglect of the corporation to elect in any year the board of directors as aforesaid, the said board shall have power to supply by election, any vacancy that may occur in their number by reason of death, resignation, removal from the county in which the said cemetery is located, or by action of the said board. Five members of the board of directors shall constitute a quorum to do all business. The said incorporators named in this act and such other persons as is described in the first section of this act, shall meet on the Saturday before the fourth Sunday in April next ensuing, at the cemetery grounds between the hours of one and five o'clock in the afternoon, or on some day thereafter as soon as practicable, and proceed to elect from their own number the aforesaid board of directors to serve till their successors shall be chosen. The said board of directors shall elect from its members a president, a secretary and a treasurer to serve for one year. The said corporation shall hold its annual meetings on Saturday before the fourth Sunday in March each and every year, between the hours of one and five o'clock in the afternoon, and may hold adjourned and called meetings as the by-laws may prescribe.

Power to  
supply va-  
cancies.

Annual  
meetings.

Intent of  
this act.

SECTION 9. *And be it further enacted by the authority aforesaid,* That it is the true intent and meaning of this act that the aforesaid religious society known as the "Old School Baptist Church at Cow Marsh," shall never be divested of the

## OF CORPORATIONS.

permanent authority and control in the management of the said cemetery company.

SECTION 10. *And be it further enacted by the authority aforesaid,* That this shall be deemed and taken to be a public act, and the corporation hereby created a corporation for public improvement, and the power of revocation is hereby reserved to the Legislature.

*Passed at Dover, April 12, 1887.*

## CHAPTER 206.

## OF CORPORATIONS.

A FURTHER SUPPLEMENT to the act entitled "An act to incorporate the Young Men's Association for Mutual Improvement, of the city of Wilmington.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch thereof concurring herein):*

SECTION 1. That the act entitled "An act to incorporate the Young Men's Association for Mutual Improvement, of the city of Wilmington," passed at Dover, February 10, 1857, and as amended by the supplements thereto, passed at Dover, January 27, 1859, and March 7, 1873, is hereby re-enacted, revived, extended and continued in force for the term of twenty years from the passage of this act, and the corporation thereby created shall during said term have succession and all the rights, powers, privileges and franchises heretofore vested in said corporation by any law of this State. Act amended.

SECTION 2. All acts and transactions which have been done or performed by the said corporation, or the executive committee from time to time elected in accordance with the provisions of said act and supplements, since the expiration of twenty years from the incorporation under the name and style of "The Wilmington Institute," shall have the same force and effect and be valid to all intents and purposes, and all real estate and other property which was held by the said Acts made valid.

## OF CORPORATIONS.

"The Wilmington Institute," at the expiration of the said twenty years shall continue to be the property of said corporation and shall be held and administered under the powers hereby granted, and all the powers of the said corporation shall and may be exercised in the same manner and with the same force and effect as if the said corporation had been renewed and continued in existence by an act passed before the expiration of twenty years from the date of its incorporation.

SECTION 3. This act shall be deemed and taken to be a public act and the power to revoke the same, is hereby reserved to the Legislature.

*Passed at Dover, April 18, A. D. 1887.*

## OF DIVORCES.

## TITLE TENTH.

## Domestic Relations.

## CHAPTER 207.

## OF DIVORCE.

AN ACT to amend Section 6 of Chapter 75, of the Revised Statutes.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, as follows:*

SECTION 1. That Section 6 of Chapter 75, of the Revised Statutes, be, and the same is hereby amended as follows, by inserting between the words "evidence" and "and" in the second line of said section, the following words, viz: "Unless such confession shall be corroborated by the testimony of three or more competent witnesses or by strongly corroborative circumstances." <sup>Confession and evidence.</sup>

*Passed at Dover, April 21, 1887.*

## OF GUARDIANS, MINORS AND TRUSTEES.

## CHAPTER 208.

## OF GUARDIANS, MINORS AND TRUSTEES.

## AN ACT concerning investments by Guardians and Trustees.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Guardian,  
minor and  
trustee.

Bonds of  
corporation  
may be re-  
ceived in  
payment by  
chancellor.

SECTION 1. In case the guardian of any minor, or the trustee under any will or any succeeding trustee shall be entitled to receive any legacy or distributive share from the executor or administrator of any testator or intestate, such guardian with the approval of the Orphans' Court, or any judge thereof, or such trustee with the approval of the chancellor, may receive from such executor or administrator in payment of the whole or any part of such legacy or distributive share, shares of the capital stock or bonds of any corporation or association held or owned by such testator or intestate at the time of his decease at the appraised value thereof. And such guardian or trustee shall not be accountable or liable for any loss or depreciation in the value of any such stock or bonds so received and held by him, unless the same shall occur through the culpable act, neglect or default of such guardian or trustee. *Provided*, that nothing herein contained shall be deemed to limit or restrict the right of such guardian or trustee at any time to alter or change the investment of such legacy or distributive share, or any part thereof with the approval as aforesaid.

*Passed at Dover, March 22, 1887.*

## OF CONVEYANCES.

## TITLE ELEVENTH.

## Of Titles to Real Property.

## CHAPTER 209.

## OF CONVEYANCES.

AN ACT providing for vesting the Court House and Jail with the lots of ground whereon the same are erected, together with other ground, all situate in the town of Georgetown, in new trustees for the only proper use and behoof of Sussex County.

WHEREAS, The lots of land situate in Georgetown, Sussex Preamble. County, upon which a court house, jail and other buildings have been erected, together with other lands adjoining said lots and reserved for the use of Sussex County, were conveyed by deed of bargain and sale to George Mitchell, Robert Houston, William Moore, Rhoads Shankland, John Collins and Daniel Polk, commissioners, their heirs, executors, administrators and assigns in fee and for the only use of Sussex County aforesaid, agreeable to the true intent and meaning of the act of assembly of Delaware, passed January 29th, 1791;

AND WHEREAS, The said lots or parcels of lands have been and now are considered, taken and held as ground belonging to Sussex County;

AND WHEREAS, It is unknown who was the survivor of the said commissioners, or who is entitled to the legal estate and inheritance of said land for the use of Sussex County, if any such there be, and to the end and intent that the said lots or parcels of land, and the buildings thereon erected or hereafter to be erected, may be effectually secured for the use of Sussex County, and that the legal estate and inheritance may be vested in new trustees to and for the only proper use and behoof the said County of Sussex.

## OF CONVEYANCES.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Attorney  
for Levy  
Court of  
Sussex  
County to  
make ap-  
plication  
for trustees.

SECTION 1. That David T. Marvel, attorney for the Levy Court of Sussex County, be and he is hereby directed to take the necessary steps in the Court of Chancery of Sussex County at the next term thereof, or by petition to the chancellor at chambers before that time, in the name of the county of Sussex for the appointment of a trustee or trustees in lieu of the heir-at-law of the survivor of the said commissioners or the person now entitled to the legal estate and inheritance of said lands for the use of Sussex County, if any such there be, or and ask the court for a decree at the earliest period.

Persons  
lawfully  
using land  
not inter-  
fered with.

SECTION 2. That this act shall not be deemed or taken to interfere in any way with the legal rights of any person or persons, corporation or company now lawfully using or occupying any part or parts of said ground by lease from the Levy Court of said county.

*Passed at Dover, March 8, 1887.*

## CHAPTER 210.

## OF CONVEYANCES.

## AN ACT to make valid the Record of Certain Deeds.

Preamble.

WHEREAS, There are many conveyances of land within this State of long standing, executed and delivered *bona fide* by the parties, grantors, under which the parties granted named in said conveyances and those claiming under them have entered into and continuously held quiet and uninterrupted possession of the premises so conveyed for a period of thirty years and upwards, which said deeds were not acknowledged and certified in accordance with the requirements of the laws of this State in force at the time of their execution, but have been nevertheless entered upon the records by the recorders of deeds, in and for the several counties of this State;

## OF CONVEYANCES.

AND WHEREAS, By reason of such defect, the record of said deeds cannot be offered in evidence; therefore,

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. That the record of any deed dated prior to the first day of January, A. D. 1855, and duly signed and sealed by the parties therein named as grantors; although the acknowledgment thereof or the private examination of any married woman being party thereto may not have been taken and certified, in conformity with the laws of this State existing at the time of its execution, shall be and the same is hereby made valid and effectual in law, as if said deed had been correctly acknowledged and certified. And the said record, or an office copy thereof, shall be admitted as evidence in all courts of this State, and shall be as valid and conclusive evidence, as if the said deed had been in all respects acknowledged, and the acknowledgment certified in accordance with then existing laws.

Deeds dated  
prior to  
to 1855  
made valid.

Admitted  
as evidence.

SECTION 2. That no person being grantor in any conveyance mentioned in Section 1 of this act, or claiming by, through, from, or under any such grantor, shall make any entry into, or have or maintain any action for or make any claim to or in any lands, tenements or hereditaments conveyed by any such conveyance dated prior to the first day of January, A. D. 1855, and whereof the grantees therein, or those claiming under them, have held quiet, uninterrupted and exclusive possession since the delivery thereof, but shall be forever debarred therefrom without saving or exception whatsoever, unless such entry be made, or action brought within three calendar months from and after the passage of this act.

Grantor  
prohibited  
from mak-  
ing entry.

SECTION 3. That nothing in this act contained shall be so construed as to affect the claim of dower of any married woman party to such deed who shall survive her husband and be lawfully entitled to dower.

Not to  
affect dower

*Passed at Dover, March 15, 1887.*



## OF CONVEYANCES.

## CHAPTER 211.

## OF CONVEYANCES.

AN ACT to amend Chapter 212, Volume 17, Laws of Delaware.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Act con-  
cerning ac-  
knowledg-  
ment of  
deeds.

SECTION 1. That Section 1 of Chapter 212, Volume 17, Laws of Delaware, entitled "An act concerning acknowledgments of deeds, &c.," be amended by adding at the end of Section 1 the words following, to wit: "The provisions of this act shall be deemed and taken to extend to affidavits of demand and defence as provided for in Chapter 106, Section 4, of the Revised Code."

*Passed at Dover, March 16, 1887.*

## CHAPTER 212.

## OF CONVEYANCES.

AN ACT concerning the acknowledgment of Deeds in Foreign Countries.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Chapter 83  
Revised  
Statutes  
amended.

SECTION 1. That Chapter 83 of the Revised Statutes be and the same is hereby amended by inserting in the fifth line of Section 10 after the word "consul" the following words "vice consul, consular agent."

Acknowl-  
edgments  
of deeds by  
vice consul  
made legal.

SECTION 2. Any acknowledgments or proofs of deeds concerning lands, tenements or hereditaments within this State that have been heretofore taken before any vice consul or consular agent of the United States, shall be held to be and are hereby declared to be and are hereby made good and valid in all respects.

*Passed at Dover, March 30, 1887.*

## OF CONVEYANCES.

## CHAPTER 213.

## OF CONVEYANCES.

## AN ACT concerning Assignments of Mortgages.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. That from and after the passage of this act an assignment of a mortgage or any sealed instrument attested by one credible witness, shall be valid and effectual to convey all the right and interests of the assignor. Assignment of mortgage.

SECTION 2. That all assignments of mortgages or any sealed instruments heretofore made in the presence of one witness, and all satisfactions made by assignees in such assignments are hereby made good and valid. Certain assignments made valid.

*Passed at Dover, April 19, 1887.*

## CHAPTER 214.

## OF CONVEYANCES.

## AN ACT to amend Chapter 90 of the Revised Statutes.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, as follows:*

SECTION 1. That Section 4 of Chapter 90 of the Revised Statutes be, and the same is hereby amended as follows, viz: by striking out of the thirteenth line of said section before the word "mortgage" the words "judgment bond or bond," and also by striking out after the word "mortgage" in said thirteenth line and before the word "mortgage," the word "two" in the fourteenth line of said section the following words, viz: "And with such surety as the said court may direct," and also by adding at the end of the twentieth line of said section the following words, viz: "Such mortgage shall constitute a lien upon the said mortgaged premises prior and paramount to any judgment against the mortgagor or any Chapter 90, Revised Statutes amended. Mortgages to be paramount to judgment in certain cases.

## OF CONVEYANCES.

other lien created or suffered by him, although such judgment or lien be of a date prior to said mortgage and such mortgage shall have priority and preference accordingly. *Provided*, that it be recorded in the recorder's office in the proper county within thirty days from its date, and also by adding after the word "mortgage" in said thirteenth line and before the word "two" in said fourteenth line in lieu of the words stricken out by this act, the following words, viz: "Of the premises so purchased."

*Passed at Dover, April 20, 1887.*

## CHAPTER 215.

## OF CONVEYANCES.

## AN ACT in relation to Conveyancers.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Conveyan-  
cers license.

SECTION 1. That any conveyancer whose annual receipts for conveyancing do not exceed the sum of one hundred dollars, shall be required to pay only five dollars for conveyancer's license.

Receipts to  
be sworn to.

SECTION 2. Any person applying for a five dollar conveyancer's license under Section 1 of this act, shall file an affidavit with the clerk of the peace stating that his receipts for conveyancing during the twelve months immediately preceding the first day of June last did not exceed the sum of one hundred dollars.

*Passed at Dover, April 20, 1887.*

## OF CONVEYANCES.

## CHAPTER 216.

## OF CONVEYANCES.

AN ACT to amend the law in relation to Intestate Real Estate.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. That orders for partition or for the assignment of dower and partition of the residue or for the assignment of dower above in cases of intestate real estate may be with the approval of the court in its discretion issued, returnable, either to the next regular term of the Orphans' Court or to any adjourned term of said court, and the sales of intestate real estate under the laws appertaining thereto may be approved by said Orphans' Court, either at a regular or adjourned term thereof; and like proceedings in cases of intestate real estate, shall hereafter be had at adjourned terms of the Orphans' Court as are now had at the regular terms of said court.

Partition for dower in cases of intestate real estate may be approved by Orphans' Court at adjourned term.

*Passed at Dover, April 21, 1887.*

## OF TRUSTEES.

## TITLE TWELFTH.

### Of Courts of Justice.

## CHAPTER 217.

## OF TRUSTEES.

## AN ACT in relation to Trustees.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Chancellor  
to allow  
commissions to  
trustees.

SECTION 1. That all trustees now or hereafter to be appointed by will may be allowed commissions as compensation for their services, the amount of the same to be determined by the chancellor of the State of Delaware in his discretion.

*Passed at Dover April, 6, 1887.*

## CHAPTER 218.

## OF COURTS OF ERRORS AND APPEALS.

AN ACT to enlarge the time for holding the Superior Court in New Castle County.

Preamble. WHEREAS, By reason of the increase in the civil business in the superior court of New Castle County, it has become necessary to enlarge the time for holding the said court in that county at the May and November terms thereof, but owing to the time now fixed for the commencement of the court of

## OF COURTS OF ERRORS AND APPEALS.

errors and appeals, the time for holding the said superior court cannot be enlarged without first changing the time for the commencement of the court of errors and appeals.

*Therefore be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. That the court of errors and appeals shall commence and be held on the third Tuesday in January and the third Tuesday in June.

Time of holding the Court of Errors and Appeals,

SECTION 2. That each of the five judges of this State shall receive in addition to his annual salary, the further allowance of five dollars for each day he shall be engaged in holding court out of the county in which he resides, which allowance shall be paid quarterly, out of any money in the treasury, upon the certificate of the judge so engaged as aforesaid.

The Judges shall receive an addition to annual salary.

*Passed at Dover, April 7, 1887.*

## CHAPTER 219.

## OF JURORS IN NEW CASTLE COUNTY.

AN ACT to amend the act entitled "An act relating to Petit Jurors in New Castle County," 14 vol., 648.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, as follows:*

SECTION 1. Amend the aforesaid act by striking out the word "ten" in the 10th line of Section 1 and inserting in lieu thereof the word *sixteen*, and by striking out the word "second" in the 17th line of the same section and inserting the word *third* in lieu thereof.

Act amended.

SECTION 2. This act shall, as to its effect on the service of the first panel of jurors at the coming courts in New Castle County, have force the same as if said panel had been summoned according to its provisions; but the second panel shall be summoned in accordance therewith.

Time of taking effect.

*Passed at Dover, April 21, 1887.*

## TITLE THIRTEENTH.

### Of Civil Actions in General.

#### CHAPTER 220.

##### ACTION IN REPLEVIN.

##### AN ACT in relation to the Action of Replevin.

**Preamble.** WHEREAS, It often happens that the benefit of the action of replevin is lost by the necessity of a formal demand before suit brought, whereby the property is cloigned before process can be served on the defendant, therefore for the remedy thereof.

**SECTION 1.** *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:* That in all actions of replevin now pending or hereafter to be brought, no proof of demand shall be necessary, but the bringing of the suit shall be considered a sufficient demand for all purposes, and the failure at the trial to prove any demand shall not be a cause for non-suit, nor shall such failure inure in anywise whatsoever to the benefit or advantage of the defendant or defendants in the suit.

Proof of demand not necessary. Bringing of suit sufficient demand.

*Passed at Dover, April 21, 1887.*

## OF SCIRE FACIAS ON MORTGAGE.

## CHAPTER 221.

## OF SCIRE FACIAS ON MORTGAGE.

## AN ACT in Relation to Mortgages.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

That whenever the dividing line between any two counties of this State shall run through a tract of land conveyed in mortgage a writ a *scire facias* may be sued out in either county in which any part of such tract is situated, directed to the sheriff of the county in which such writ is sued out, and the said sheriff shall be authorized to make service of the said writ notwithstanding any person or persons liable to such service and residing in this State may live outside his bailiwick, and the Superior Court of the county wherein such suit is brought may give definitive judgment upon such *scire facias* with the same effect as if the said lands lay wholly within such county.

Where writ  
of scire  
facias may  
be sued out.

Service.

The writ of *levari facias* awarded upon any such judgment for the sale of any such tract shall be directed to the sheriff of the county wherein the judgment was given, and the said sheriff shall proceed in the same manner as is prescribed in other sale of the cases of lands upon such execution process, and shall have authority on the said writ to sell the said tract of land in the whole, and altogether at one and the same time, and to make return thereof to the court out of which the said writ is issued, and upon confirmation of such sale by the said court to make a deed to the purchaser conveying the whole as fully as if the same had been wholly situated in his bailiwick. Any deed so made shall be recorded in each of the counties in which the land is situated, notice of any such sale shall be set up in at least five of the most public places in each of the hundreds in which the said land or any part thereof is located.

To whom  
writ of  
levari  
facias shall  
be directed.

Return.  
Where  
made.

Notice of  
sale.

*Passed at Dover, March 29, 1887.*



## OF EXEMPTION OF WAGES FROM ATTACHMENT PROCESS.

## CHAPTER 222.

## OF EXEMPTION OF WAGES FROM EXECUTION ATTACHMENT PROCESS.

AN ACT to amend Chapter 185, Volume 15, Laws of Delaware.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*Section 1,  
Chapter 185,  
Volume 15,  
Laws of  
Delaware,  
amended.

SECTION 1. That Section 1, Chapter 185, Volume 15, Laws of Delaware, be and the same is hereby amended by adding to the end of said Section 1 the following: Except where the said execution attachment process is for board or lodging or both, as the case may be, and for an amount not exceeding fifty dollars, exclusive of costs.

*Passed at Dover, April 6, 1887.*

## CHAPTER 223.

## OF PLEADING AND PRACTICE IN CIVIL CASES.

AN ACT to amend Section 4 of Chapter 106 of the Revised Code of the State.

Section 4,  
Chapter 106  
of the Re-  
vised Code  
amended.SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:* That Section 4 of Chapter 106 of the Revised Code of the State as amended and reprinted in 1874, be amended by inserting between the word "states" and the word "such" in line 47 of said Section 4, the following words, viz: "Or before any notary public of any state or territory within the United States or of the District of Columbia."*Passed at Dover, March 21, 1887.*

## TITLE FOURTEENTH.

## Of Proceedings in Special Cases.

## CHAPTER 224.

OF RECOGNIZANCES AND BONDS AND PROCEEDINGS THEREIN.

AN ACT in relation to Recognizances in the Orphans' Court.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. That the recognizor or recognizers in any recognizances which has been heretofore or hereafter may be taken and acknowledged in the Orphans' Court of the State of Delaware, in and for New Castle County, upon the assignment to such recognizor or recognizers by said court of intestate real estate (when the condition of such recognizances is to pay interest on the part or share of the sum received thereby to a widow during her life, and at her death to pay the principal to the parties entitled) shall have the right when such recognizance has been fully satisfied except as to that portion to the income of which the widow is entitled to pay said share into the said court by it to be invested for the parties interested, as in other cases, or if to said court it should seem more expedient to secure the said share upon the whole of said property so assigned to him or them by a bond or mortgage, said mortgage to be in the nature of a purchase money mortgage, with condition similar to that in the recognizance securing the payment of the interest and principal in the same manner. Upon the payment into court as aforesaid or when a mortgage has been given as hereinbefore provided for, the said court shall order the clerk to enter satisfaction on the record of such recognizance in such form as it may deem proper, which shall be a legal satisfaction of such recognizance as fully as if all money secured by said recog-

Recognizor may pay widows share into court. When.

Share may be secured by mortgages.

Clerk shall enter satisfaction.

## OF RECOGNIZANCES AND BONDS AND PROCEEDINGS THEREIN.

nizance, principal and interest, had been fully paid, and all parties entitled to a share in said recognizance had entered full satisfaction for their whole shares or interests on the record of such recognizance.

Court may order mortgage to be paid at any time.

SECTION 2. The Orphans' Court shall have the power to order the mortgage to be paid at any time it may deem proper so to do, and shall reinvest the money so paid into court as hereinbefore provided for, or it may, if to said court, it shall deem more expedient in proper cases order the mortgager in said mortgage to give further security for the said share; *Provided*, that nothing in this act shall be construed to authorize said court to secure said share in any other manner than by first mortgage on real estate.

May order further security.

General lien.

Recognizance shall be in the nature of a purchase money mortgage.

SECTION 3. That any recognizance heretofore taken in said Orphans' Court, upon the assignment of intestate real estate, shall three years from and after the passage of this act cease to be a general lien upon all the lands and tenements of the recognizer or recognizers, and the lien of such recognizance as to all lands and tenements other than those assigned to such recognizer or recognizers, upon giving such recognizance shall be discharged; but such recognizance shall be and remain a particular lien upon the lands and tenements so assigned, and be in the nature of a purchase money mortgage thereon; *Provided, however*, that if a widow of any intestate shall be entitled to the interest or any part of the sum secured by such recognizance then that part of said sum so secured shall be preferred to the two-thirds or one-half part, of any portion or part thereof, which shall be secured directly and immediately to the heirs at law of such intestate.

At what time recognizance shall cease to be a general lien.

SECTION 4. That any recognizance hereafter taken by the said court upon the assignment of intestate real estate shall three years after it is so taken cease to be a general lien upon all the lands and tenements of the recognizer or the recognizers therein, and the lien of such recognizance as to all lands and tenements other than those assigned to such recognizer or recognizers shall be discharged; but such recognizance shall be and remain a particular lien upon the lands and tenements assigned to the recognizer or recognizers, and be in the nature of a purchase money mortgage thereon; and if a widow of any intestate shall be entitled to the interest on any part of the sum secured by such recognizance, then that part of said sum so secured shall be preferred to the two-thirds or one-half part of any part or portion thereof, which

Shall be a particular lien upon what.

## OF RECOGNIZANCES AND BONDS AND PROCEEDINGS THEREIN.

shall be secured directly and immediately to the heirs-at-law of such intestate.

SECTION 5. The said Orphans' Court shall have all necessary powers in the premises and may make all such orders or rules to reach the end aimed at by this act as by said court may be deemed proper; and the provisions of this act shall only apply to recognizances taken upon the assignment of intestate real estate by the Orphans' Court of the State in and for New Castle County.

The Court may make all necessary orders to carry out the provisions of this act.

*Passed at Dover, April 20, 1887.*

## TITLE FIFTEENTH.

### Of the Fees of Public Officers.

#### CHAPTER 225.

AN ACT to regulate the fees of Justice of the Peace, Constables and Sheriffs in certain classes.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Fees of  
Justices of  
the Peace,  
constables  
and sheriffs  
in certain  
cases.

SECTION 1. That from and after the passage of this act, the following shall be the legal fees for services in all cases before any justice of the peace in this State arising under either of the two following acts, that is to say, an act entitled "An act for the suppression of vagrancy," passed at Dover, March 5, 1861, Delaware laws, Volume 12, Chapter 92, and an act entitled "An act concerning tramps," passed at Dover, March 26, 1879, Delaware laws, Volume 16, Chapter 156.

To a justice of the peace.

For taking and filing affidavit or deposition.....	.15
"    issuing warrant of arrest or commitment.....	.15
"    entering judgment.....	.10
"    issuing subpoena for witnesses(either side) for the first.....	.05
"    subsequent writs for either party.....	.05

To a constable or sheriff.

For serving a warrant.....	.10
"    conveying a person to jail.....	.10
"    commitment to prison.....	.10

To a witness.

For each days attendance.....	.10
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OF THE FEES OF PUBLIC OFFICERS.

And three cents per mile from the witnesses house to the place of trial and back, and that it shall not be lawful for any sheriff to charge for more than one day's board unless more than two meals have been furnished the prisoner charged for.

*Passed at Dover, April 20, 1887.*

## TITLE SIXTEENTH.

### Of Crimes and Punishments.

#### CHAPTER 226.

OF OFFENSES AGAINST THE LIVES AND PERSONS OF INDIVIDUALS.

AN ACT to amend Chapter 150, Volume 16, of the Laws of Delaware.

*Be it enacted by the Senate and House of Representatives  
of the State of Delaware in General Assembly met:*

Section 1 of  
Chapter 150  
Volume 16,  
Laws of  
Delaware  
amended.

SECTION 1. That Section 1 of Chapter 150, Volume 16, of the Laws of Delaware, be, and the same is hereby amended by adding at the latter end thereof, the following words, to-wit:

*"Provided, That whenever such action shall be brought before a justice of the peace, the defendant in said action shall have the right of appeal to the Court of General Sessions of the Peace and Jail Delivery whenever the fine imposed shall exceed the minimum fine applicable to each case as set forth in said chapter. And provided, that the defendant shall demand said appeal within five days next after the day, whereupon the judgment is given against him and shall tender proper security for the payment of the fine and costs as in civil cases, should the judgment be sustained. And provided, further, that should the court appealed to set aside or in any way change the nature or amount of the judgment appealed to, all costs shall be paid as directed by said court."*

SECTION 2. That Section 4, of said Chapter 150, of said laws be, and the same is hereby amended by inserting in the third line of said Section 4, between the word "Act" and the word "it," the following sentence, namely: "And said conviction be sustained."

*Passed at Dover, March 30, 1887.*

OF OFFENCES AGAINST PUBLIC POLICY.

CHAPTER 227.

OFFENCES AGAINST PUBLIC POLICY.

AN ACT to punish false pretences in obtaining certificates of registration of cattle and other animals, and to punish giving false pedigrees.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, as follows:*

SECTION 1. Every person who by any false pretense shall obtain from any club, association, society, or company for improving the breed of cattle, horses, sheep, swine or other domestic animals, a certificate of registration of any animal in the herd register or other register of any such club, association, society or company, or a transfer of any such registration, and every person who shall knowingly give a false pedigree of any animal, upon conviction thereof, shall be punished by imprisonment in a county jail for a term not exceeding one year, or by a fine not exceeding five hundred dollars, or by both such fine and imprisonment.

Registered stock.

Penalty for false registration.

SECTION 2. This act shall take effect immediately.

*Passed at Dover, February 15, 1887.*

CHAPTER 228.

OFFENSES AGAINST PUBLIC POLICY.

AN ACT to prevent the aiding or harboring of boys escaping from the Ferris Reform School.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. That if any person shall knowingly advise, promote or aid in the escape or running away of any boy from the guardianship or custody of the managers of the Ferris Reform School, or shall knowingly harbor or conceal, or aid in harboring or concealing, any boy who has escaped

Runaway boys.



## OF OFFENCES AGAINST PUBLIC POLICY.

from the guardianship or custody of the said managers after such boy has been regularly committed thereto, every such person shall be deemed guilty of a misdemeanor and shall on conviction thereof, before any justice of the peace in the county wherein the said offense has been committed, be fined not less than ten or more than one hundred dollars, to be paid to the treasurer of the said school for the use thereof.

*Passed at Dover, March 21, 1887.*

## CHAPTER 229.

## CRUELTY TO CHILDREN.

AN ACT for the Prevention of Cruelty to Children, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Husband  
neglecting  
to support  
his wife or  
children,  
of a misde-  
meanor.

SECTION 1. Any husband who wilfully neglects to provide for the support and maintenance of his wife or his minor children dependent upon him for support, or shall wilfully desert the same, or any of them, shall be guilty of a misdemeanor, and upon conviction thereof before any court of record or justice of the peace, shall be fined not less than ten dollars, or more than one hundred dollars for each and every offence.

Girls or  
boys habit-  
ually beg-  
ging shall  
be arrested.

SECTION 2. Any girl apparently under the age of sixteen years, and any boy apparently under the age of fourteen years, that comes within any of the following descriptions named; that is known to be habitually begging or receiving or gathering alms, whether actually begging or under the pretense of peddling or offering for sale anything, or being in any street, road or public place for the purpose of so begging, gathering or receiving alms, that is found wandering and not having any house or settled place of abode, or proper guardianship, or visible means of subsistence; that is found destitute, either being an orphan or having a vicious parent who is undergoing penal servitude or imprisonment; that frequents the company of reputed thieves or prostitutes or houses of as-

## OF CRUELTY TO CHILDREN.

signation or prostitution, or dance houses, concert saloons, variaties, or places specified in Section iv of this act, without parent or guardian, shall be arrested and brought before any court of record or justice of the peace. . When, upon examination before a court of record or a justice of the peace, it shall appear that any such child has been engaged in any of the aforesaid acts, or comes within any of the aforesaid descriptions, such court or justice of the peace, when it or he shall deem it expedient for the welfare of the child, shall commit such child to an orphan asylum, charitable or other organization or institution, or make such other disposition thereof as now is or may hereafter be provided by law.

In case of vagrants, truants, disorderly, pauper or destitute children, person or persons representing himself, herself or themselves to be, or passing himself, herself or themselves off as the parent or guardian of a child or children referred to in any of the aforesaid sections of this act, and it shall appear that such person is not either the parent or guardian of said child, such person or persons shall be deemed guilty of a misdemeanor, and, upon conviction thereof by any court or justice of the peace, shall be fined not more than twenty dollars and costs for each and every offence, upon the return of any writ of habeas corpus issuing for the production of any child so committed, the court or judge before whom the habeas corpus proceeding is tried, may review the facts upon which the commitment was made and hear new evidence, and remand, release or commit such minor.

SECTION 3. Any proprietor, or any person in charge of any dance house, concert saloon, theatre, museum or similar place of amusement where wines or spirituous or malt liquors are sold or given away, who admits or permits to remain therein, any minor under the age of eighteen years, unless accompanied by his or her parent or guardian, shall be guilty of a misdemeanor, and, on conviction thereof before any court of record or justice of the peace, shall be punished by a fine not exceeding one hundred dollars.

Unlawful  
for proprietor  
of dance  
house, &c.,  
to admit a  
minor.

SECTION 4. Any person or persons who shall, without the color of right, forcibly abduct, take or convey away any child under the age of twelve years, from the home or usual place of abode of such child, or from the custody and control of the parent or parents or lawful guardian or guardians of such child, or be accessory thereto, or who shall, without such color or right, and against the consent of the parent or parents, or lawful guardian or guardians of such child, persuade

Misdemeanor to  
abduct a  
child.

## OF CRUELTY TO CHILDREN.

or entice from the usual place of abode or house of such child, or from the custody and control of the parent or parents, or guardian or guardians of such child, or be accessory thereto, or who shall knowingly secrete or harbor such child or be accessory thereto, with the intent to deprive such parent or parents, guardian or guardians, or any person who may be in lawful possession of such child, of the custody, care and control of such child, shall be guilty of a misdemeanor, and, upon conviction thereof, shall suffer imprisonment for a term not exceeding ten years, or shall pay a fine not exceeding five hundred dollars, or both, in the discretion of the court.

Penalty.

Unlawful  
to print or  
distribute  
obscene pic-  
tures.

SECTION 5. Whoever prints, publishes, sells, or distributes a book, pamphlet, ballad, printed paper or other thing containing any obscene or indecent picture of any description tending to the corruption of morals of youth, shall be deemed guilty of a misdemeanor, and upon conviction thereof by any court of record, shall be fined not exceeding one hundred dollars.

Levy Court  
may make  
appropria-  
tion.

SECTION 6. The levy court of New Castle County shall have authority to make an appropriation or appropriations annually to the Delaware Society for the Prevention of Cruelty to Children, a corporation of this State, in aid of the objects of the said corporation.

*Passed at Dover, April 11, 1887.*

## OF MARRIED WOMEN AND MINOR CHILDREN.

## CHAPTER 230.

## OF MARRIED WOMEN AND MINOR CHILDREN.

AN ACT for the benefit of Married Women and Minor Children.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. That if any husband or father being within the limits of the State of Delaware, shall separate himself from his wife or from his children, or from wife and children, without reasonable cause, or shall neglect to maintain his wife or children, it shall be lawful for any justice of the peace of this State, upon information made before him under oath or affirmation by his wife or children, or either of them, or by any other person, to issue his warrant to the sheriff or to any constable of the county, for the arrest of the person against whom the information shall be made as aforesaid and bind him over with one or more sufficient sureties in a penal sum to be determined and fixed by the justice, not less, however, than the sum of five hundred dollars, to appear at the next session of the Court of General Sessions of the Peace and Jail Delivery, in and for the county in which such proceedings are had, there to answer the said charge of desertion, and in default of giving such surety to commit him to the jail of the county.

SECTION 2. *And be it further enacted as aforesaid,* That the information proceedings thereon and warrant shall be returned to the next term of the Court of General Sessions of the Peace in said county when such proceedings are had, when it shall be lawful for said court after hearing to order the person against whom complaint has been made, being of sufficient ability to pay such sum as said court shall think reasonable and proper for the comfortable support and maintenance of the said wife or children, or both, not exceeding one hundred dollars per month; and shall also require him to give security by one or more securities to the State of Delaware in such sum as to the said court may seem proper for the compliance therewith. Upon failure to comply with the order of the court in the premises, he shall be committed to the county jail, there to remain until such order is complied with or he be discharged by the order of the court. Any wife so deserted shall be a competent witness in any proceedings under this act to prove the fact of desertion or neglect to

Husband or  
father de-  
serting his  
wife or  
children  
may be  
held to  
answer.

Powers of  
the Court.

## OF MARRIED WOMEN AND MINOR CHILDREN.

maintain hers or any minor children under the age of ten years. The fees to the officers under this act shall be the same as are allowed by law for similar services in cases of binding to keep the peace.

Power of  
the sheriff  
or constable.

SECTION 3. *And be it further enacted by the authority aforesaid,* That the sheriff or constable to whom the warrant issued under the provisions of this act shall be directed, shall have authority, and the same is hereby conferred to make the arrest of the person named in such warrant in any part of this State and bring the accused before the officer issuing the warrant, there to be heard and dealt with according to the provisions of this act.

*Passed at Dover April, 13, 1887.*

## CHAPTER 231.

## OF ADULTERATED DAIRY PRODUCTS.

AN ACT for the protection of the public health and to prevent adulteration of dairy products and fraud in the sale thereof.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Unlawful  
to manufacture any  
oleaginous  
substance.

SECTION 1. That no person, firm or corporate body shall manufacture out of any oleaginous substance or any compound of the same, other than that produced from unadulterated milk, or by cream from the same, any article designed to take the place of butter or cheese produced from pure unadulterated milk or cream from the same, or by any imitation or adulterated butter or cheese, nor shall sell or offer for sale or have in his, her or their possession with intent to sell the same as an article of food.

Sale of  
same unlawful.

SECTION 2. Every sale of such article or substance which is prohibited by the first section of this act is hereby declared to be unlawful and void, and no action shall be maintained in any of the courts of this State to recover upon any contract for the sale of any such article or substance.

## OF ADULTERATED DAIRY PRODUCTS.

SECTION 3. Every person, company, firm or corporate body who shall manufacture, sell or offer, or expose for sale, or have in his, or her or their possession with intent to sell any substance the manufacture and sale of which is prohibited by the first section of this act shall for every such offense forfeit and pay the sum of fifty dollars which shall be recoverable with costs by any person suing in the name of the State, as debts of like amount are by law recoverable; one-half of which sum when so recovered shall be paid to the county treasurer for the use of the county in which suit is brought and the other half to the person or persons at whose instance such a suit shall or may be commenced and prosecuted to recovery.

Person,  
company,  
or firm may  
be sued.

SECTION 4. That this act shall not take effect until the expiration of three months from its passage.

*Passed at Dover, April 15, 1887.*

## CHAPTER 232.

## OF LOTTERY POLICIES.

## AN ACT for the suppression of Lottery Policies.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. That if any person or persons shall be concerned in interest in lottery policy writing, or in selling or disposing of any lottery policy or certificate, or number or numbers or anything by which such person or any other person or persons promise or guarantee that any particular number or numbers, character, ticket or certificate, shall in the event or on the happening of any contingency in the nature of a lottery, entitle the purchaser or holder to receive money or property or evidence of debt, or shall use or employ any other device by which such person or any other person or persons promise or guarantee as aforesaid, he, she or they shall be deemed guilty of a misdemeanor, and upon conviction thereof by the Court of General Sessions of the Peace and Jail

Unlawful  
to be con-  
cerned in  
lottery  
policy writ-  
ing.

Penalty.

## OF LOTTERY POLICIES.

Delivery of this State, shall be fined not less than one hundred dollars or more than one thousand dollars, and in default of the payment thereof, shall be imprisoned for a term of not less than one month or more than twelve months.

Unlawful  
to let or  
demise  
properties.

Penalty.

SECTION 2. That if any person or persons shall let or demise to any other person or persons, any house, out-house or other building or any room or suite of rooms, knowing that the same is or are to be used for the purpose of lottery policy writing or for the purpose of dealing in lottery policies, or shall suffer permit any such house, out house or other building, or any room or suite of rooms in which he, she or they have the possession or control, to be occupied or used for such purpose, he, she or they shall be deemed guilty of a misdemeanor and on conviction thereof, as aforesaid, shall be fined not less than ten nor more than twenty dollars and in default of the payment thereof, shall be imprisoned for a term of not less than one month or more than three months.

*Passed at Dover, April 19, 1887.*

## CHAPTER 233.

## OF THREATENING LETTERS AND BLACKMAIL.

AN ACT in relation to Threatening Letters and Levying Blackmail.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Person  
knowingly  
sending,  
delivering,  
or uttering  
threatening  
letter guilty  
of a misde-  
meanor.

SECTION 1. If any person shall knowingly send, or deliver, or utter, to any other person any letter or writing accusing or threatening to accuse either the person to whom such letter or writing shall be sent, or delivered, or any other person, of any crime or misdemeanor punishable by law with imprisonment, with a view or intent to extort or gain by means of such threatening letter or writing, any property, money, security or other valuable thing from any person whatsoever, or shall send, deliver or utter any letter or writing threatening to kill or murder any person, or to burn or destroy any house, barn or other outbuilding, or any rick or

## OF THREATENING LETTERS AND BLACKMAIL.

stack of grain, hay or straw, or agricultural produce; or shall any person seduce another into any position for the purpose of threatening exposure for anything into the intent of levying blackmail, every such offender shall be guilty of a misdemeanor, and on conviction be sentenced to an imprisonment not exceeding three years, and to pay a fine not exceeding one thousand dollars or either, or both at the discretion of the court. Penalty.

*Passed at Dover, April 19, 1887.*

## CHAPTER 234.

## OF CROSSING PUBLIC HIGHWAYS BY RAILWAY CARS.

## AN ACT to amend Chapter 627, Volume 17, Laws of Delaware.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met as follows:*

SECTION 1. That Section 1 of Chapter 627, Volume 17, Section 1, Chapter 627, Volume 17, amended. be, and the same is hereby amended as follows, viz: By inserting after the word "*crossing*" in the eighth line of said section the following words: "*Or by ringing the engine bell continuously until such crossing shall be passed, commencing at least three hundred yards distant therefrom.*" And also by adding at the end of Section 1, the following words, viz: "Nor to any other crossings than those at grade; nor to any such which now are, or hereafter shall be guarded by a watchman, or protected by safety gates."

SECTION 2. That this shall be a public act.

*Passed at Dover, April 20, 1887.*



## OF TRACTION ENGINES.

## CHAPTER 235.

## OF TRACTION ENGINES.

AN ACT in relation to Steam Engines passing upon the Public Highways of this State.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Unlawful  
to run a  
portable en-  
gine on  
public high-  
way unless  
person  
ahead.

That hereafter it shall not be lawful for any person to run a portable steam engine upon any of the public roads or highways of this State without having one or two men to proceed one hundred yards ahead of the engine and give notice of and to protect the persons and teams upon the highways whom they shall meet.

Misde-  
meanor for  
owner of  
engine not  
to stop  
when meet-  
ing restive  
team.

SECTION 2. In case a traction steam engine passing along the highways and the engineer of which fails to stop when a restive team or horse and carriage is passing the same, or fails to send proper persons ahead of such engine to give notice of its approach, to hold or lead such restive horses past such traction engine, such owner of such traction engine shall be guilty of a misdemeanor and shall be liable to a fine of twenty dollars for each such offence, recoverable on trial before a justice of the peace the same as other debts by law in this State with costs of prosecution, the said fines to be paid into the county treasury.

*Passed at Dover, April 21, 1887.*

## OF CRIMES.

## CHAPTER 236.

## OF CRIME.

AN ACT for the more efficient Protection of the Community against Crime.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. That the sum of two hundred dollars be, and the same is hereby annually appropriated out of any moneys in the treasury not otherwise appropriated as a contingent fund for the use of the attorney-general, the said sum, or so much thereof as may be necessary, to be by him used for the purpose of employing persons to assist him in obtaining evidence for the State in capital cases and cases of burglary, and he is hereby authorized and empowered to draw on the State treasurer for the same.

Two hundred dollars appropriated annually. For what purpose.

SECTION 2. That the attorney-general shall biennially present his receipts and vouchers to a committee of the Legislature, appointed for that purpose, for settlement.

Receipts and vouchers. To whom presented.

*Passed at Dover, April 21, 1887.*

## CHAPTER 237.

## OF PROTECTION TO MINORS

AN ACT for the Protection of Minors.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. That any person who shall keep, maintain or exhibit, by himself, his agent, or servant, any table, implement, device, or thing, upon or with which any game is played with cards, dice, balls, or any of them, or with any other implement or thing with which games of chance may be played, and shall permit or suffer to be played thereon or therewith any game which shall directly or indirectly bring any pecuniary or other compensation or pay to such person,

Unlawful for minors to be present in house or room where games are played.

## OF PROTECTION TO MINORS.

whether such compensation or pay shall be the rent, hire or pay for the use of the house, room or structure in which such game is played, or rent, hire or pay for the use of the table, card, dice, balls, cues, implements, device, or any or all of them, or whether the playing of such game shall only tend to increase the trade, custom or sales of such person of any goods, wares, merchandise, or articles kept for sale by such person, or shall in anywise directly or indirectly accrue to the benefit of such person, and whilst any such game is being played shall permit any minor under the age of eighteen years to be present except such minor shall be a member of his own family, or be accompanied by his parent or guardian, every such person shall be deemed guilty of a misdemeanor and upon conviction thereof shall for every offence be fined not less than ten dollars nor more than one hundred dollars, or imprisoned for a term not less than ten days nor more than six months, or both, in the discretion of the court.

Misdemeanor.

*Passed at Dover, April 21, 1887.*

## CHAPTER 238.

## OF HEALTH OF EMPLOYES.

## AN ACT for the preservation of the health of Female Employees.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Employees shall furnish suitable seats for female employees.

SECTION. That every person or corporation employing female employees in any manufacturing, mechanical or mercantile establishments in this State shall provide suitable seats for the use of the female employees so employed, and shall permit the use of such by them when not necessarily engaged in the active duties for which they are employed.

Penalty for violation.

SECTION 2. Any person, firm or corporation violating any of the provisions of this act, shall be punished by a fine of not less than twenty-five dollars (\$25) nor more than fifty dollars (\$50) for each offense.

## OF HEALTH OF EMPLOYES.

SECTION 3. All acts or parts of acts inconsistent herewith are hereby repealed.

*Passed at Dover, April 21, 1887.*

## CHAPTER 239.

## OF THE TRIAL OF CRIMINALS.

## AN ACT to expediate the trial of Criminal Cases.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. That justices of the peace and other officers of this State, who give persons charged with the commission of any crime or misdemeanor, preliminary hearings, be, and they are hereby required to endorse on the backs of such commitments and recognizances, the names of the States witnesses, and their place of residence; and that the clerks of the peace of the respective counties, be, and they are hereby required to insert the place of residence of such witnesses after their names in the subpoenas; whosoever shall offend against the provisions of this act, shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined not exceeding ten dollars. The object of this act being to prevent the expense and delay caused by the sheriff's being unable to find such witnesses.

Duties of  
justices in  
certain  
cases.

*Passed at Dover, March 29, 1887.*

## MISCELLANEOUS.

### CHAPTER 240.

#### OF CONSTRUCTION AND STATUTES.

AN ACT to define the meaning of a bona fide citizen of this State, so far as the words appear in the fish laws of this State.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. That hereafter whenever the words "bona fide citizen" appear in any of the fish laws of this State, it shall mean that such bona fide citizen shall have lived and had his home or domicile within the limits of this State for one year next preceding his application, to fish in the waters of this State and be assessed.

*Passed at Dover, February 3, 1887.*

### CHAPTER 241.

#### OF COUNTY AND MUNICIPAL TAXES.

AN ACT relating to taxes for County and Municipal Purposes.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, as follows:*

SECTION 1. That of the real estate of "The Philadelphia, Wilmington and Baltimore Railroad Company" and of all other railroad corporations within this State, excepting nevertheless such real estate of each of the said corporations

## OF COUNTY AND MUNICIPAL TAXES.

as shall be included within the limits of the rights of way, or road beds of their respective lines of railroad, shall be subject to taxation and assessment for county and municipal purposes in the same manner as other like property of individuals is subject thereto for like purposes, any provisions of any existing law or laws to the contrary notwithstanding; *Provided, however,* that any building erected in whole or in part within the limits of any such right of way or roadbed shall not by reason of the exception herein made be exempted from assessment and taxation, although the land upon which building shall be wholly, or in part, located, is by this act expressly exempted therefrom.

*Passed at Dover, March 31, 1887.*

## CHAPTER 242.

## OF THE REGISTRY OF DOGS.

AN ACT to amend Section 1 of the act entitled an "An act to allow the Registry of Dogs in Kent County," passed in Dover, February 25, 1870.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. That Section 1 of the act aforesaid, be, and the same is hereby amended by adding thereto after the word "resident" the words, or "visiting or sojourning," so that the said section shall hereafter be as follows:

That the clerk of the peace in and for Kent County, be, and is hereby directed to procure a suitable book for registry of any dog which any person, resident or visiting or sojourning in Kent County may desire to register, and upon the application of any person, resident or visiting or sojourning in Kent County, the clerk of the peace aforesaid, shall upon the payment of the fee hereinafter named, register said dog, giving the name and description of the dog and the name of the owner thereof.

*Passed at Dover, April 5, 1887.*

## OF EXPERIMENT STATIONS.

## CHAPTER 243.

## EXPERIMENTAL STATIONS.

AN ACT accepting the grants of moneys by the General Government for the establishment of Agricultural Experiment Stations.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Acceptance  
of grant for  
experimen-  
tal station.

SECTION 1. That the State of Delaware hereby assents to the grants of moneys, and to the purposes of said grants as set forth and defined in the act of Congress entitled "An act establishing agricultural experiment stations in connection with the colleges established in the several States under the provisions of an act approved July 2, 1862, and the acts supplementary thereto," passed at the 2nd session of 49th Congress, and approved by the President March 2, 1887, when the terms and conditions set forth in said act of Congress.

Governor to  
notify gov-  
ernment.

SECTION 2. That the governor of the State is hereby authorized and instructed to give due notice of such assent and acceptance to the government of the United States.

*Passed at Dover, April 14. 1887.*

## OF WHARVES.

## CHAPTER 244.

## OF WHARVES.

AN ACT to regulate the building of Wharves on Broad Creek.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. That John Turpen Wright, Elijah Horn and James W. Anderson, be and they are hereby appointed commissioners whose duty it shall be to view Broad Creek and thereupon to adjust and determine a certain limit on each side of said creek, to which wharves may hereafter be extended out into said creek, such limits to be ascertained by certain fixed distances to be completed and measured from such landmarks as the said commissioners may for that purpose adopt. The said limits shall extend from the new iron bridge over said creek as far down said creek as said commissioners may determine, and the said commissioners as soon as conveniently may be after adjusting and determining such limits as aforesaid shall make return of their proceedings in the premises, under their hands, or the hands of a majority of them, to the clerk of the peace of Sussex County, together with a plot of said Broad Creek showing distinctly the said limits, with such distances and landmarks as may be adopted for ascertaining the same. The said return and plot shall be filed and preserved in the office of the clerk of the peace. The said clerk shall also cause it to be recorded in the office for recording deeds in and for Sussex County, and the record of the same, or a duly certified copy thereof, shall be competent evidence in all courts of law and equity in this State.

Limits of wharves.

Measured from where.

Proceedings to be returned to Clerk of the Peace. Plot to be recorded.

SECTION 2. From and after the filing of the return of the above named commissioners in the office of the clerk of the peace, it shall not be lawful for any purpose whatsoever, to construct or cause to be constructed on either side of said Broad creek, between the new iron bridge and the point down said creek as determined upon by said commissioners, any wharf, platform, landing place, marine railway, pier piles, abutment or other obstruction to the current of said creek, extending into the creek beyond the limits adjusted and determined in by said return.

After filing return what shall be lawful.

SECTION 3. From and after the expiration of one year from the passage of this act, it shall not be lawful to construct or cause to be constructed, or to have or keep on either



## OF WHARVES.

Platform  
not allowed  
after when.

side of said Broad creek, between the new iron bridge and the point down said creek as determined upon by said commissioners and within the limits to be adjusted and determined as aforesaid (that is to say, between either one of said limits and the shore with respect to which such limits shall be fixed) any wharf or platform supported on piles, piers, or abutments so fixed as to leave spaces between them open to said creek, or to construct or cause to be constructed, have or keep between the aforesaid points and within the limit to be adjusted and determined as aforesaid any sluice way or sluice ways, in any wharf built or to be built on said Broad Creek.

Notice of  
ten day's  
before com-  
plaints can  
be heard.

SECTION 4. The Levy Court Commissioners of Broad Creek and Little Creek Hundred, upon complaint of one or more inhabitants of either of said hundreds that any wharf, platforms, landing place, marine railway, pier, pile, abutment or other obstruction of said creek has been constructed and is held or kept in or upon said creek contrary to the provisions of this act, shall, upon giving at least ten day's notice to the owner or occupier of the same, hear and determine such complaint, and if necessary, view and examine the matter or thing complained of; and if the said Levy Court Commissioners shall, upon such hearing, adjudge that the matter or thing complained of, is held or kept contrary to the provisions of this act, they shall forthwith deliver to the owner or occupier of any such wharf, platform, landing place, marine railway, pier, pile, abutment, or other obstruction be not removed or conformed to the provisions of this act, within ninety days after the delivery of such certified copy, the person or persons, or corporations holding the same as the owner or owners thereof, shall forfeit and pay to any person who will sue for the same, the sum of \$500.00 dollars, to be recovered with costs of suit as debts of like amount, are by law recoverable, one-half of said penalty to be for the use of the person suing therefor, and the residue thereof to be for the use of Broad and Little Creek Hundreds, and it shall be the duty of the Prothonotary of Sussex County, if any such wharf, platform, landing place, marine railway, pier, pile, abutment, or other obstruction, be not removed or conformed to the provisions of this act, within ninety days after the delivery of such certified copy as aforesaid, without delay, to issue a warrant or writ directed to the sheriff of said county commanding him to abate such wharf, platform, landing place, marine railway, pier, pile, abutment or other obstruction, or to conform the same to the provisions of this act, whereupon the said sheriff shall forthwith proceed to abate the same or to

Penalty for  
neglect or  
refusal to  
obey law

## OF WHARVES.

conform the same to the provisions of this act. The expenses incurred in carrying into effect this provision shall be such as the Levy Court shall allow, and the same having been paid by the County Treasurer, the amount thereof may be recovered in the name of the county of Sussex, from the owner or occupier of the matter of thing abated as debts of like amount are by law recoverable. Expenses shall be paid. flow.

SECTION 5. The commissioners shall have power to call to their aid a competent surveyor, and such other assistance as may be necessary to perform the duties required of them by Section 1 of this act. The commissioners and surveyor before proceeding to perform said duties, shall be severally sworn or affirmed to perform all the duties required of them under this act, faithfully and impartially to the best of their skill and judgment. The acts of a majority of the commissioners shall be valid as the acts of the whole; any vacancy occurring in said commission shall be filled by the commissioners. Commissioners shall call surveyor.

SECTION 6. The compensation of the commissioners, surveyor and other assistance shall be allowed by the Levy Court of Sussex County. Compensation.

SECTION 7. Nothing herein contained shall be construed to prevent the commissioners of the town of Laurel from constructing, erecting or providing proper sluices, culverts and waste ways, for the drainage of the town or to prevent the present drains or gutters from being emptied into Broad Creek. Commissioners are not prevented from erecting sluices, &c.

*Passed at Dover, April 19, 1887.*

## OF CULTIVATION OF FRUIT.

## CHAPTER 245.

## OF CULTIVATION OF FRUIT.

## AN ACT to encourage the Cultivation of Fruit.

Preamble.

WHEREAS, Owing to the soil and climate of this State and its proximity to suitable markets the cultivation of fruit is one of its most important industries and one in which a large portion of the people are engaged and all are directly or indirectly interested; and from the present and prospective unprofitable prices of grain the cultivation of fruit is likely to become more general and should be encouraged.

AND WHEREAS, The Peninsular Horticultural Society has arranged to hold an exhibition in the City of Wilmington during the month of September next, for the display of fruits for the purpose of exciting competition in its culture and diffusing information valuable to the people of the State. Therefore,

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

\$500 appropriated to the Peninsular Horticultural Society.

SECTION 1. That the sum of five hundred dollars be and the same is hereby appropriated from the State treasury to the Peninsular Horticultural Society, to be expended by it in prizes for displays of fruit at their proposed exhibition.

SECTION 2. That the treasurer of the Peninsular Horticultural Society is authorized to draw an order on the State treasurer for the sum appropriated by Section one of this act, and the State Treasurer is hereby empowered, authorized and directed to pay the same upon his order to the said Peninsular Horticultural Society.

*Passed at Dover, April 21, 1887.*

## SERVICE OF PROCESS OF CRIMINALS.

## CHAPTER 246.

## SERVICE OF PROCESS OF CRIMINALS.

AN ACT in relation to the service of criminal process in certain cases.

WHEREAS, The Delaware Society for the Prevention of <sup>Preamble.</sup> Cruelty to Children, and the Delaware Society for the Prevention of Cruelty to Animals, both corporations existing under the laws of the State of Delaware, have found it necessary to employ an agent in pursuing the objects and purposes for which the said societies were incorporated, and in order to more effectually prosecute the work of the said societies. Therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met:*

That any warrant of arrest, or other process issued under or by virtue of the several laws in relation to cruelty to children and to cruelty to animals now in existence, or which may hereafter may be enacted, may be directed to and executed by any agent in any county of this State, so appointed by either or both of said societies. *Provided*, no compensation shall be paid to said agent except by said societies. <sup>Warrant of arrest may be directed to any agent.</sup>

*Passed at Dover, April 21, 1887.*

## CHAPTER 247.

## OF MANUFACTURERS.

AN ACT to amend an act entitled, "An Act Taxing Manufacturers, and for other purposes," Chapter 24, Vol. 14, Delaware Laws.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. That the act entitled, "An act taxing manufacturers, and for other purposes," passed at Dover, March 30, 1871, shall not be construed to require any miller who does any custom work or grist-work to include in his state- <sup>Miller may not include in statement, flour and meal received as toll.</sup>

## OF MANUFACTURERS.

ment of the aggregate cost value of the product of his mill, the value of the flour, meal or feed manufactured by him from grain received as toll, any custom to the contrary thereof notwithstanding.

*Passed at Dover, April 22, 1887.*

## CHAPTER 248.

## OF OYSTERS.

## AN ACT in relation to the Dredging of Oysters.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

*Bona fide  
citizens au-  
thorized to  
dredge for  
oysters.  
When.*

SECTION 1. That all persons who are *bona fide* citizens of this State be, and they are hereby authorized to dredge for oysters in the Delaware bay at any point or points south of Ship John Light, except during the months of July and August.

*Passed at Dover, April 22, 1887.*

## OF CLAIMS.

## CHAPTER 249.

## OF CLAIMS.

## AN ACT to pay Claims against the State.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION I. That the State Treasurer be and he is hereby <sup>Claims.</sup> authorized and directed to pay the following claims, viz:

T. N. Williams, .....	\$641 00
J. L. Wolcott, Edward Ridgley and W. H. Hobson .....	150 00
W. G. L. Tucker, .....	25 00
O. W. Speer, .....	105 00
Nathan Pratt, .....	125 00
Nathan Hutchins, .....	100 00
John J. Dougherty, .....	1,700 00
George P. Jarrell, .....	10 00
T. K. Jones & Bro., .....	100 00
Jacob G. Lewis, .....	70 00
Joseph McDaniel, .....	19 00
Peter L. Cooper, .....	14 00
E. L. Jones, .....	2 50
Benn & Burnham, .....	100 00
Adams Express Co., .....	28 00
Joseph Burchenal, .....	50 00
James Frasher, .....	50 00
John B. Sharp, .....	48 00
Lon W. Clifton, .....	20 00
J. H. Caldwell, .....	50 00
Wm. H. Purnell, .....	15 00
Stevenson & Slaughter, .....	370 00
Thomas Cox, .....	31 00
Thomas Ford, .....	1,700 00
John W. Short, .....	86 00
Wm. P. Godwin, .....	166 60
Cowgill & Green, .....	13 00
George Maxwell, .....	78 00
Wm. T. Jones, .....	25 00
McComb Clayton, .....	90 00
Robert D. Hoffecker, .....	45 00
Joseph C. White, .....	30 00
Wm. Green, attorney for Scott Way, .....	20 00
Bowen & Bro., .....	50 00

## OF CLAIMS.

Claims.	Henry Cannon,-----	55 00
	Moreau Bros.,-----	450 00
	Horace G. Knowles,-----	65 00
	The Star Publishing Company,-----	20 00
	H. T. Hynson,-----	55 00
	Theo. Townsend,-----	220 00
	James Kirk & Son,-----	250 00
	Clark & Downham,-----	350 00
	Delawarean,-----	400 00
	Every Evening Publishing Company,-----	300 00
	News Publishing Company,-----	85 00
	Freeman & Weber,-----	240 00
	C. F. Thomas & Company,-----	650 00
	Dover Gas Light Company,-----	270 00
	John B. Pennington,-----	10 00
	John R. Nicholson,-----	20 00
	J. D. Deane,-----	75 00
	J. W. Wise,-----	50 00
	James C. Robinson,-----	22 50
	M. Megary & Son,-----	359 50
	Clark & McDaniel,-----	866 00
	Harrington Enterprise Company,-----	60 00
	Laurel Gazette,-----	25 00
	Smyrna Record,-----	130 00
	Delaware Democrat,-----	400 00
	I. H. D. Knowles,-----	35 00
	James Kirk & Son,-----	325 00
	John M. Houston,-----	100 00
	J. L. Long,-----	200 00
	Stevenson & Slaughter,-----	31 00
	Z. L. Butler,-----	10 00

*Passed at Dover, April 22, 1887.*

## RESOLUTIONS.

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### CHAPTER 250.

Joint Resolution Appointing Special Committee to whom to refer Governor's Message.

*Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That a <sup>Special</sup> committee of two on the part of the Senate and three <sup>committee</sup> appointed on the part of the House, be appointed to whom to refer the <sup>on Govern-</sup> message of the Governor for consideration. <sup>or's message</sup>

*Adopted at Dover, January 4, 1887.*

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### CHAPTER 251.

Joint Resolution of Adjournment.

*Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That when the two Houses adjourn to-day, it be to meet on Monday, January 10th next, at five o'clock P. M. <sup>Resolution to adjourn-</sup> <sup>ment to</sup> <sup>a day fixed.</sup>

*Adopted at Dover, January 4, 1887.*



## RESOLUTIONS.

## CHAPTER 252.

## Joint Resolution Informing the Governor of the Organization of the two Houses.

Committee  
to notify  
Governor  
of organi-  
zation of  
Legisla-  
ture.

*Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That a committee of two on the part of the Senate, and three on the part of the House be appointed to inform the Governor that the two houses are duly organized and ready to receive any communication that he may see proper to make.

*Adopted at Dover, January 4, 1887.*

## CHAPTER 253.

## Joint Resolution Appointing Committee to Arrange for the Inauguration of the Governor-elect.

To arrange  
for inaugu-  
ration cere-  
monies.

*Resolved,* That a Joint Committee of two on the part of the Senate and three on the part of the House, be appointed to confer with a committee of the citizens to arrange for the inauguration of the Governor-elect on 18th of present month.

*Adopted at Dover, January 10, 1887.*

## RESOLUTIONS.

## CHAPTER 254.

Joint Resolution Appointing a Joint Committee to Draft Rules for the Government of Intercourse Between the two Houses.

*Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That a* Joint Committee of two on the part of the Senate and three on the part of the House, be appointed to draft rules for the government of general intercourse between the two Houses. Committee draft rules for intercourse of the two houses.

*Adopted at Dover, January 10, 1887.*

## CHAPTER 255.

Joint Resolution Appointing a Joint Committee to Examine the State Treasurer's Accounts.

*Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That a* Committee of two on the part of the Senate and three on the part of the House, be appointed to examine the State Treasurer's accounts. Committee to examine State Treasurer's account.

*Adopted at Dover, January 11, 1887.*

## CHAPTER 256.

Joint Resolution in Relation to Refurnishing the Parlor and Governor's Office.

*Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That a* Committee of two on the part of the Senate and three on the part of the House, be appointed to take into consideration Committee of refurnishing Governor's office and State House parlor.

## RESOLUTIONS.

the necessity and propriety of refurnishing the Governor's office and the State House parlor, and report to the respective Houses as early as possible.

*Adopted at Dover, January 11, 1887.*

## CHAPTER 257.

Joint Resolution convening the two Houses to open and publish the returns of the vote for Governor.

Legislature  
to be pres-  
ent at open-  
ing election  
returns.

Two tellers.

*Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That the members of the Senate and members of the House of Representatives assemble in the hall of the House of Representatives at 3 o'clock P. M., on Thursday next, the 13th inst., to be present at the opening and publishing, according to the Constitution of this State, of the returns of the election held in the several counties of the State, on the Tuesday next after the first Monday in November last for Governor, and that two tellers be appointed to wit: One on the part of the Senate and one on the part of the House of Representatives to make a list of the votes as the same shall be published from said returns.

*Adopted at Dover, January 12, 1887.*

## RESOLUTIONS.

## CHAPTER 258.

Joint Resolution relating to refitting the Governor's Office and the State House Parlor.

*Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That the joint committee appointed to consider the propriety of refurnishing the Governor's office and the State House parlor, be and they are hereby instructed to make the purchases and have said improvements made and completed by Monday, January 17; *Provided,* such improvements shall not exceed three hundred and fifty dollars. Joint committee instructed to have improvements completed. Cost not to exceed \$350.

*Adopted at Dover, January 12, 1887.*

## CHAPTER 259.

Joint Resolution concerning the Seventeenth Volume of the Laws of the State of Delaware.

WHEREAS, 'The Secretary of State has closed and caused to be bound, with a general index, the Seventeenth Volume of the Laws of this State in pursuance of the provisions of Section 1, of Chapter 4, of the Revised Code; therefore, Preamble.

*Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That the State Treasurer be and he is hereby directed to pay the following charges against the State in relation to said volume 17, viz: State Treasurer to pay certain claims.

To James Kirk and Son, for printing the index to Volume 17, the sum of four hundred and sixteen dollars;

To William F. Causey, Secretary of State, for his service in preparing the said index and for superintending the printing and binding of said Volume 17, the sum of four hundred dollars;

To James Kirk & Son, for binding three hundred copies of said Volume 17 and all charges for transportation and delivery the sum of two hundred and eighty-five dollars.

## RESOLUTIONS.

Secretary of  
State to  
distribute  
Vol. 17 of  
laws.

*And be it further resolved,* That the Secretary of State shall distribute the copies of said Volume 17 in the manner following, viz: One copy to the governor; one copy each to the state treasurer, auditor of accounts and superintendent of free schools for the use of their respective offices; two copies to the office of the secretary of state; ten copies to the state library; one copy each to the following offices in each county for their respective offices, viz: to the register of wills, register in chancery and clerk of the orphans' court, prothonotary, clerk of the peace, and recorder of deeds; one copy to each of the judges of the superior court and the chancellor; and also to deliver to the clerks of the Senate and House, one copy for each member of their respective houses in the present General Assembly; and the remainder he shall equally divide between the respective counties, placing them in the hands of the prothonotaries, who are duly authorized to sell the same, and make return thereof as the law directs at the rate of two dollars per volume.

*Adopted at Dover, January 12, 1887.*

## CHAPTER 260.

## Joint Resolution relative to Adjournment.

Resolution  
of adjourn-  
ment to-day  
fixed.

*Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That when the two Houses adjourn to-day it be to meet on Monday, January 17th, next, at five o'clock, P. M.

*Adopted at Dover, January 13, 1887.*

## RESOLUTIONS.

## CHAPTER 261.

Joint Resolution convening the two Houses of the General Assembly in joint session for the purpose of attending the Inauguration of the Governor-elect.

*Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That the two Houses convene in joint session in the hall of the House of Representatives at 11.30 o'clock, A. M., on Tuesday, January 18th, A. D., 1887, for the purpose of attending the governor-elect while the oaths of office are administered to him. Joint meeting to attend inauguration of the governor.

*Adopted at Dover, January 17, 1887.*

## CHAPTER 262.

Joint Resolution in relation to the Distribution of the Minutes of the Council.

*Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That the state librarian be and he is hereby authorized and directed to distribute the minutes of the council to the states, territories and societies the same as he is required by law to distribute judicial reports, &c.; and also a copy to each member of the joint committee which had the work in hand, and the speakers of the Senate and House of Representatives of the last General Assembly, to the outgoing and incoming governors, the judges of the State, and the senators and representatives in Congress from this State. Distribution of minutes of council.

*Adopted at Dover, January 18, 1887.*

## RESOLUTIONS.

## CHAPTER 263.

## Joint Resolution concerning the State Auditor's Report.

Auditor's  
report of  
settlement.

*Resolved*, That the Senate (the House concurring) include the State Auditor's report to the committee appointed to settle with the State Treasurer.

*Adopted at Dover, January 19, 1887.*

## CHAPTER 264.

## Joint Resolution appointing Janitor.

Appoint-  
ment of  
janitor for  
State House

Duties.

Compensa-  
tion.

*Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met*, That William Hunter be and he is hereby appointed janitor of the State House for the term of two years, beginning on the ninth day of April, A. D. 1887; the said janitor to do all the work in and around the State House that may be necessary in order to keep the same in a proper condition and to manage the fires necessary to heat the library, secretary's office and governor's room, except during the session of the Legislature. He shall receive as compensation for his services as janitor the sum of two hundred dollars per annum, for which he is hereby authorized to draw upon the State Treasurer at the end of each quarter.

*Adopted at Dover, January 20, 1887.*

## RESOLUTIONS.

## CHAPTER 265.

Joint Resolution in relation to that portion of the Governor's Inaugural Address which refers to the One Hundredth Anniversary of adoption of the Constitution.

*Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That so much of the governor's inaugural as refers to the one hundredth anniversary of the U. S. Constitution be referred to a special committee of five, two on the part of the Senate and three on the part of the House of Representatives.

Portion of Governor's message relating to one hundredth anniversary of the U. S. Constitution referred to a special committee.

*Adopted at Dover, January 20, 1887.*

## CHAPTER 266.

Joint Resolution Appointing State Treasurer.

*Resolved by the House of Representatives of the State of Delaware, (by and with the concurrence of the Senate),* That William Herbert be, and he is hereby appointed State Treasurer.

William Herbert appointed.

*Adopted at Dover, January 20, 1887.*

## CHAPTER 267.

Joint Resolution Appointing Auditor of Accounts.

*Resolved by the House of Representatives, by and with the concurrence of the Senate,* That James H. Boyce be, and he is hereby appointed auditor of accounts.

J. H. Boyce appointed auditor.

*Adopted at Dover, January 20, 1887.*



## RESOLUTIONS.

## CHAPTER 268.

## Joint Resolution Concerning the Publication of the Minutes of the Legislative Council.

Preamble. WHEREAS, The committee appointed to have published the minutes of the Legislative Council from 1776 to 1792, have performed the duty assigned them, and have reported as correct, a number of allowances for performing the work, therefore,

*Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:* That the State Treasurer be, and he is hereby directed to pay the following claims, viz :

State Treasurer directed to pay for publication of minutes of council.

To James Kirk & Son, for printing and binding said minutes, eleven hundred and twenty-six dollars and forty cents; to John F. Saulsbury, for transcribing the said minutes, three hundred dollars.

Members and clerk to be paid.

To Hugh Martin, chairman, for the payment of the expenses and per diem of the members of the committee, one hundred and fifty-two dollars and eighty-five cents.

To Samuel D. Truitt, clerk to the committee, twenty-five dollars.

*Adopted at Dover, January 25, 1887.*

## CHAPTER 269.

## Joint Resolution Appropriating Nine Hundred Dollars to the Contingent Expenses of the Office of the Secretary of State.

*Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That the sum of nine hundred dollars be, and the same is hereby appropriated and made payable to John P. Saulsbury, Secretary of State, to defray the contingent expenses of his office for the present and ensuing year, and that he is required to pre-

Contingent fund of Secretary of State.

## RESOLUTIONS.

sent his accounts and vouchers to the General Assembly of this State at its next session for settlement.

*Adopted at Dover, January 25, 1887.*

## CHAPTER 270.

Joint Resolution Relative to Payment of the claim of Enoch Moore for Repairs on Guard Boat.

*Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That the State Treasurer be, and he is hereby authorized to pay a certain balance, four hundred and seventy-five dollars and thirty-six cents, (\$475.36) due Enoch Moore, Esq., on sloop Blue Wing for repairs.

State Treasurer authorized to pay Enoch Moore for repairing guard boat.

*Adopted at Dover, January 27, 1887.*

## CHAPTER 271.

Joint Resolution in Relation to the State Library.

*Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That a committee of two on the part of the Senate and three on the part of the House of Representatives, be appointed to take into consideration that portion of the biennial message of the late Governor which relates to the State Law Library, and the report of the State Librarian to inquire into the present condition of the library, and the room in which it is kept, to employ an architect and procure from him plans, specifications and estimates of the dimensions and probable cost of such an annex to the present building, as will afford sufficient room

Joint committee on that portion of Governor's message relating to State library.

## RESOLUTIONS.

for the rapidly increasing needs of the library, and to make report of their proceedings and conclusions to the General Assembly.

*Adopted at Dover, January 27, 1887.*

## CHAPTER 272.

Joint Resolution appointing a Joint Committee of two on the part of the Senate and three on the part of the House to settle with the State Treasurer, Auditor of Accounts, Secretary of State and Clerks of the Senate and House of Representatives.

*Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Joint committee appointed.

That a Joint Committee of five be appointed on the part of the General Assembly to consist of the following: Two members of the Senate, viz: Colin Ferguson and Beniah L. Lewis, and the following three members of the House of Representatives, viz: James W. Ware, William R. Allaband and Robert W. Dasey, whose duty it shall be to meet at Dover on the third Tuesday of January, 1888, for the purpose of settling the accounts of the State Treasurer, and receiving the reports of the Auditor of Accounts for the current year.

Settle accounts of State Treasurer, &c.

Duties of committee.

*Resolved,* That it shall be the duty of said committee, after their settlement with the State Treasurer as aforesaid, to cause a statement of such settlement under their hands, or the hands of a majority of them, to be published in two (2) newspapers printed in the State for the space of one month from the time of effecting the same.

To settle with certain officers.

*Resolved,* That said committee shall have full power and authority to audit the accounts of the clerk of the Senate, and of the clerk of the House of Representatives for superintending the printing of the Journals of the Houses of the Legislature during the present session and for making indexes thereto. Also, the account of the Secretary of State for superintending the printing of the acts of the present session and for indexing the same, and make such allowance for the said services as they may think just and

## RESOLUTIONS.

proper, which said allowances shall be paid by the State Treasurer upon orders drawn by the chairman of the said committee in favor of said clerks and said Secretary of State, respectively.

*Resolved*, That the said committee shall receive the same compensation as is allowed by law to the members of the General Assembly, to be paid by the state treasurer upon orders drawn by the chairman of the said committee, out of any money in the hands of the said state treasurer not otherwise appropriated, and the chairman of said committee shall have authority to draw orders for the incidental expenses arising out of the session of said committee, to be paid in like manner. Compensation of members.

*Adopted at Dover, February 1, 1887.*

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 CHAPTER 273.

Joint Resolution to pay the claim of Holmes & Draper.

*Resolved by the Senate and House of Representatives*, That the State Treasurer be, and he is hereby authorized to pay the claim of Holmes & Draper, 65 tons of coal @ \$5.75, State Treasurer to pay claim.  
\$373.75.

*Adopted at Dover, February 1, 1887.*

## RESOLUTIONS.

## CHAPTER 274.

Joint Resolution in Relation to the Price of the Minutes of the Council.

*Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Committee  
to name  
price of  
minutes of  
council.

That there be appointed a committee of two on the part of the Senate and three on the part of the House, to name the price at which the remaining volumes of the minutes of council may be procured.

*Adopted at Dover, February 1, 1887.*

## CHAPTER 275.

Joint Resolution in Relation to the Disposal of the Certificates of the Election of Governor.

*Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Certificates  
of election  
of Governor  
or recorded.

That the Speaker of the Senate be, and he is hereby directed to transmit one of the copies of the certificate of the election of the Governor to the Secretary of State, to be entered upon the executive register, and the other to the Recorder of Deeds of Kent County to be recorded.

*Adopted at Dover, February 2, 1887.*

## OF RESOLUTIONS.

## CHAPTER 276.

Joint Resolution in relation to the proposed Canal between Assawaman and Indian River Bays.

WHEREAS, The General Government has made an appropriation of about \$18,000 for the purpose of constructing a canal between Assawaman and Indian River Bays in this State, and will soon be ready to advertise for proposals for constructing said canal; and

Preamble.

WHEREAS, Some of the property-holders along said canal are small owners and unable to freely sacrifice the land necessary to secure this much needed improvement; therefore,

*Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

That a joint committee of two on the part of the Senate and three on the part of the House of Representatives, be appointed with instructions to visit the premises comprised in the route of the projected canal between the Assawaman and Indian River Bays, and report whether or not it is advisable for the Legislature of this State to grant the right of way for said canal and make reasonable reimbursement to those landholders who are unable to make a free gift of their land for the purpose of said canal.

Joint committee to visit the premises and report.

*Adopted at Dover, February 8, 1887.*

## RESOLUTIONS.

## CHAPTER 277.

Joint Resolution to defray the expenses of the Inaugural Ceremonies.

*Be it resolved on the part of the Senate and House of Representatives in General Assembly met:*

\$143 appropriated for inaugural expenses.

That the sum of one hundred and forty-three dollars is hereby appropriated to defray the expenses of the inaugural ceremonies, and that Elwood R. Norney, as chairman of the legislative committee on said ceremonies, be authorized to draw draft on the State Treasurer for the same.

*Adopted at Dover, February 8, 1887.*

## CHAPTER 278.

Joint Resolution to pay for cleaning the State House.

*Be it resolved by the Senate and House of Representatives General Assembly met:*

Librarian to draw \$56.25 for expenses.

That the librarian be authorized to draw upon the State Treasurer to the amount of \$56.25 for the purpose of paying the expenses incurred by labor employed in cleaning the State House, previous to the convening of the General Assembly.

*Adopted at Dover, February 9, 1887.*

## RESOLUTIONS.

## CHAPTER 279.

Joint Resolution to pay the Delaware Society for the Prevention of Cruelty to Children, four hundred dollars.

*Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

That the State Treasurer be and he is hereby directed to pay unto the treasurer of the Delaware Society for the Prevention of Cruelty to Children, in aid of the objects of said society, the sum of four hundred dollars. State Treasurer to pay society \$400.

*Adopted at Dover, February 10, 1887.*

## CHAPTER 280.

Joint Resolution in relation to the price of the Minutes of Council.

*Resolved by the Senate and House of Representatives in General Assembly met:*

That the State Librarian be and he is hereby authorized to dispose of the "Minutes of Council" at six dollars per volume, to deposit the same in the Farmers' Bank at Dover, Del., as a part of the general fund. State Librarian to sell minutes of council.

Senate Committee { H. Martin,  
W. H. Cooper.

House Committee { T. R. Wilson, Jr.,  
G. D. Medill,  
Franklin Temple.

*Adopted at Dover, February 10, 1887.*



## RESOLUTIONS.

## CHAPTER 281.

Joint Resolution donating a copy of the Minutes of Council to Del. College.

*Resolved by the Senate and House of Representatives,*  
**Donation.** That one copy of the Minutes of the Colonial Council be presented to Delaware College.

*Adopted at Dover, February 14, 1887.*

## CHAPTER 282.

Joint Resolution in relation to the purchase of Stationery for the next session of the General Assembly.

*Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

**Authority to purchase stationery for next legislature.** That Benjamin J. Moore, clerk of the Senate, and E. T. Cooper, clerk of the House of Representatives, be and they are hereby authorized and empowered to purchase the necessary stationery for the next session of the General Assembly, and they are hereby directed to present their accounts and vouchers to the next session for allowance.

*Adopted at Dover, February 16, 1887.*

## RESOLUTIONS.

## CHAPTER 283.

Joint Resolution authorizing the State Treasurer to pay W. F. Causey, Esq., seventy-five dollars.

*Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

That the State Treasurer be and he is hereby authorized to <sup>State Treasurer to pay</sup> pay William F. Causey, Esq., seventy-five dollars (\$75.00) <sup>in certain claim.</sup> in full for preparing a list of executive appointments to January 18, 1887.

*Adopted at Dover, February 16, 1887.*

## CHAPTER 284.

Joint Resolution adjourning both Houses of the General Assembly until Wednesday, February 23d, 1887.

*Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

That when both Houses of the General Assembly adjourn to-day they adjourn to meet on Wednesday, February 23rd, A. D., 1887, at 11 o'clock A. M.

*Adopted at Dover, February 17, 1887.*

## RESOLUTIONS.

## CHAPTER 285.

Joint Resolution in relation to the Minutes of the Council.

*Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly:*

Members of  
Congress  
presented  
with min-  
utes of  
council.

That the librarian be and is hereby instructed to present a copy of the minutes of the council to each of the United States Senators from this State, a copy to the Representative in Congress from this State, and a copy to the representative-elect.

*Adopted at Dover, February 17, 1887.*

## CHAPTER 286.

Joint Resolution appointing a Joint Committee to have Book-Cases made for the Auditor's Office.

*Resolved by the House of Representatives, with the concurrence of the Senate:*

Book-Cases  
for the Au-  
ditor's  
office.

That there be a committee of three on the part of the House, and two on the part of the Senate appointed, whose duty it shall be to have book-cases put in the auditor's office for the reception of books and papers pertaining to said office.

*Adopted at Dover, February 23, 1887.*

## RESOLUTIONS.

## CHAPTER 287.

Joint Resolution adjourning both Houses of the General Assembly until Monday, March 7th.

*Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

That when both Houses of the General Assembly adjourn to-day it be to meet on Monday, the 7th instant, at 11.30 o'clock A. M.

*Passed at Dover, March 2, 1887.*

## CHAPTER 288.

Joint Resolution appointing Directors on the part of the State for the Farmers' Bank of the State of Delaware.

*Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

That the following persons be and they are hereby appointed directors of the Farmers' Bank of the State of Delaware and its branches on the part of the State, agreeably to the act of the General Assembly in such case made and provided: <sup>Directors appointed.</sup>

For the principal bank at Dover, Robert Clifton, Samuel W. Hall and George H. Gildersleeve.

For the branch at Wilmington, Joseph L. Carpenter, Jr., James Bradford and Enoch Moore.

For the branch at New Castle, James T. Eliason, David Boulden and Albert H. Silver.

For the branch at Georgetown, Hugh Martin, Ebe W. Tunnell and Charles B. Houston.

*Adopted at Dover, March 8, 1887.*

## RESOLUTIONS.

## CHAPTER 289.

Joint Resolution in relation to the Celebration of the Centennial Anniversary of the adoption of the Constitution of the United States of America.

Preamble.

WHEREAS, At a meeting of the Governors of the thirteen original States, held in the city of Philadelphia, on the 17th day of September, A. D. 1886, in Old Independence Hall, it was determined to celebrate the centennial anniversary of the adoption of the Constitution of the United States of America;

AND WHEREAS, It is an event in which the people of Delaware feel a profound interest on account of the fact that Delaware was the first of the original thirteen to approve that instrument which is the sublimest achievement of mankind;

AND WHEREAS, It is proper that the remembrance should be preserved of that event that gave to the American people that fundamental and supreme law that has been alike the admiration and wonder of all nations. Now, therefore,

*Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met,*

Governor to make arrangements for celebration of centennial anniversary of the adoption of the Constitution of the United States.

That the Governor be and he is hereby authorized and empowered to make such arrangements as he shall deem necessary for a proper participation of the State officials and the National Guard of the State in the celebration of the centennial anniversary of the adoption of the Constitution of the United States, to be held in the city of Philadelphia in September next, and to defray the expenses thereof he is hereby authorized to draw his warrant upon the State Treasurer for any sum of money not exceeding two thousand dollars (\$2,000).

*Adopted at Dover, March 11, 1887.*

## RESOLUTIONS.

## CHAPTER 290.

Joint Resolution Appointing a Joint Committee of two on the part of the Senate, and three on the part of the House,\* and three on the part of the House, to Examine the law Taxing Drummers.

*Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

That a joint committee of two on the part of the Senate and three on the part of the House be appointed to examine the law relating to the license of drummers, and report by bill, or otherwise, such amendment to our law as to conform to the recent decision of the Supreme Court of the United States in the case of Robbins in the State of Tennessee. That the said committee, if they deem it necessary, shall have authority to employ counsel.

Joint committee appointed.

*Adopted at Dover, March 23, 1887.*

\*So enrolled.

## CHAPTER 291.

Joint Resolution in Relation to the Report of the Insurance Commissioner.

*Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

That Nathan Pratt, the Insurance Commissioner, be and he is hereby authorized and empowered to have printed and bound three hundred copies of the insurance report made to the present session of the General Assembly, and that he be also authorized to prepare, or cause to be prepared, copies of the annual statements of all companies doing the business of insurance in this State for the year ending December 31, 1886, and tabulated statements setting forth the assets, liabilities, income, expenditures, and other information showing the business condition and standing of said companies.

Insurance commission to have report printed.

*Resolved,* That the insurance commissioner be and he is hereby authorized to contract for the printing and binding of the said number of copies, and the Governor is hereby autho-

To contract for printing and binding report.

## RESOLUTIONS.

rized upon the certificate of the said insurance commissioner that said printing and binding is done to his acceptance, and also upon his certificate stating the price and the several items of charge, to draw an order on the state treasurer for the payment of said printing and binding according to said contract.

Duties of  
committee  
appointed.

*Resolved*, That the committee appointed by this General Assembly to meet at Dover, on the third Tuesday of January, 1888, for the purpose of settling the account of the state treasurer and receiving the report of the auditor of accounts, shall have full power and authority, and they are hereby directed to audit the accounts of the said insurance commissioner for preparing copies of said annual statements and said tabular statements, and for superintending the printing of said insurance report, and shall make such allowance for said service as they may think just and proper, which said allowance shall be paid by the state treasurer upon an order drawn by the chairman of said committee in favor of the said insurance commissioner.

*Adopted at Dover, March 24, 1887.*

## CHAPTER 292.

## Joint Resolution in Relation to Receiving New Business.

*Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

That no new business will be received by the General Assembly after Monday, April 11, 1887.

*Passed at Dover, April 4, 1887.*

## RESOLUTIONS.

## CHAPTER 293.

Joint Resolution Appropriating \$500 for Expenses in the Boundary Line Suit Between this State and New Jersey.

WHEREAS, A suit is now pending in the Supreme Court <sup>Preamble.</sup> of the United States between this State and the State of New Jersey touching the jurisdiction of the said states in the Delaware Bay and River.

AND WHEREAS, The Governor, pursuant to a joint resolution heretofore passed, appointed counsel to represent this State in said suit, and certain disbursements may become necessary under the rules of said court, and in the preparation and defence of said suit on the part of this State. Therefore,

*Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

That the sum of five hundred dollars is hereby appropriated to meet said disbursements, and the Governor is hereby authorized to draw his warrant or warrants on the state treasurer for the said sum, or any part or parts thereof, on the certificate of the counsel so appointed that such disbursements have been made, or are proper to be made. <sup>\$500 appropriated to meet disbursements.</sup>

*Passed at Dover, April 4, 1887.*

## CHAPTER 294.

Joint Resolution in relation to English Coercion in Ireland.

WHEREAS, The English government in its worse than <sup>Preamble.</sup> mad effort to force the coercive measures through Parliament, thereby hoping to further outrage innocent Irishmen by the aid of packed English juries, tread upon that great bulwark of the liberty of all English speaking people, the "Magna Charta,"

AND WHEREAS, The government of Ireland by England has been fraught with nothing but cruelty and misery,



## RESOLUTIONS.

AND WHEREAS, The only relief from such tyranny and oppression, and the only hope for suffering, down-trodden Ireland, is in Home Rule; therefore,

*Resolved by the Senate and House of Representatives, of the State of Delaware in General Assembly met:*

Resolution  
in relation  
to English  
coercion in  
Ireland

That it is the sense of this General Assembly that the English government in attempting to foist such terrible measures upon the Irish people, as then contained in the Coercion Bill deserves the condemnation of all justice and liberty loving people, and that to William Ewart Gladstone, Charles Stewart Parnell, and their faithful allies, in their effort to frustrate the enactment of those terribly cruel measures, and to secure Ireland happiness and peace and prosperity through Home Rule, this General Assembly sends encouragement and God speed.

*Adopted at Dover, April 6, 1887.*

## CHAPTER 295.

Joint Resolution authorizing the State Treasurer to pay George W. Vernon and Sons (\$61.32) sixty-one dollars and thirty-two cents.

*Resolved by the Senate and the House of Representatives in General Assembly met:*

That the State Treasurer be and he is hereby authorized to pay a certain bill to Messrs. George W. Vernon and Sons, amounting to sixty-one dollars and thirty-two cents (\$61.32).

*Adopted at Dover, April 7, 1887.*

## RESOLUTIONS.

## CHAPTER 296.

Joint Resolution to pay Levi C. Bird, Esq., Five Hundred Dollars.

WHEREAS, By a joint resolution of the General Assembly <sup>Preamble.</sup> of the State of Delaware, adopted April 17th, 1885, the attorney-general was authorized and directed to proceed, at the earliest practicable date, against the banks in this State, that have refused to pay the tax on shares, as required by the laws of this State, and in the event of the attorney-general requiring any assistance in complying with said request, the state treasurer was authorized and directed to employ counsel, and institute proceedings against said banks; and

WHEREAS, The attorney-general, in proceeding to act in obedience to the requirements of said resolution, was served with an injunction issuing from the Circuit Court of the United States in the case of "The First National Bank of Wilmington, vs. John M. Houston, State Treasurer," by which the state treasurer and attorney-general were restrained from further proceedings against said bank, a bill having been filed in said court by said bank to make a test case, by which the right of the State to tax said banks might be judicially ascertained; and

WHEREAS, John M. Houston, the then state treasurer, did, in obedience to, and in pursuance of the provisions of said resolution, employ Levi C. Bird as counsel to defend the State in said suit, that he might proceed against the said banks; and

WHEREAS, Though the said state treasurer was authorized to employ counsel, no provision was made for the payment to the said counsel of either a retainer or a fee for services rendered; and

WHEREAS, The Attorney General and said Levi C. Bird, have prepared and caused an answer to be filed by John M. Houston, the then State Treasurer, and have been otherwise engaged in preparing said case for trial; now, therefore,

*Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

That the State Treasurer be, and he is hereby authorized and directed to pay to the said Levi C. Bird, the sum of five hundred dollars as a retainer, to defend the interests of the State in said proceedings, as well as for his services and ex-  
State Treasurer directed to pay to Levi C. Bird counsel fees.

## RESOLUTIONS.

penses already rendered and incurred, it being the intent and meaning of the resolution to leave the full amount of his compensation to be hereafter determined, upon or after a final decision in said case.

*Adopted at Dover, April 7, 1887.*

## CHAPTER 297.

Joint Resolution Authorizing the State Treasurer to pay Charles H Richards a claim.

*Resolved by the Senate and House of Representatives in General Assembly met:*

State Treasurer directed to pay Charles H. Richards claim.

That the State Treasurer be, and he is hereby authorized to pay a certain bill by the "Seaford Item," amounting to thirty dollars and fourteen cents, (\$30.14) to Charles H. Richards.

*Adopted at Dover, April 7, 1887.*

## CHAPTER 298.

Joint Resolution Providing Means to Enable the State Board of Agriculture to More Effectually Carry out the Object of its Organization.

*Proam.* WHEREAS, By an act of the General Assembly of the State, passed at Dover, March 28, A. D., 1879, the directors of the Delaware Agricultural Society and their successors were constituted and made a "State Board of Agriculture," and

WHEREAS, The object and purpose of the establishment of said board were to collect facts, statistics and other data affecting the agricultural interests of this State, with the duty

## RESOLUTIONS.

of reporting the same from time to time to the Governor of this State, to be by him laid before the General Assembly at its succeeding session,

AND WHEREAS, By the report of said board presented to this General Assembly at its present session, it appears that the said board is hindered and impeded from accomplishing the object and purpose of its establishment by the want of funds necessary to defray the legitimate expenses of so worthy a cause,

AND WHEREAS, The said board through a committee thereof, has asked the General Assembly to appropriate a reasonable sum of money to aid and assist it in its efforts to promote the agricultural interests of our State, therefore,

*Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

That the State Treasurer be, and he is hereby authorized and directed to pay annually to the "State Board of Agriculture" three hundred dollars out of any money in the treasury not otherwise appropriated. Said money shall be paid on the order of the president of said "State Board of Agriculture," attested by the Secretary thereof.

State Treasurer to pay annually \$300 to State Board of Agriculture

*Adopted at Dover, April 9, 1887.*

## CHAPTER 299.

Joint Resolution in relation to the death of Hon. William Dean.

Inasmuch as the Hon. Wm. Dean was on two or more occasions an honored member of the Del. Legislature, and as his name has for a long time been identified with the interests of this State, therefore,

*Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

That we do in this hour of their deep affliction offer our sincere condolences to the different members of his family.

Condolence to the family of Wm. Dean,

*So enrolled.*

## RESOLUTIONS.

and earnestly wish that they may find comfort in their bereavement from a source higher than ours.

*Passed at Dover, April 13, 1887.*

## CHAPTER 300.

## Joint Resolution in relation to a new Library Building.

Preamble. WHEREAS, By a joint resolution of the two Houses of this General Assembly, passed at the present session, the joint committee of the two Houses to take into consideration the propriety of building a new library building were authorized to employ an architect and have plans and specifications prepared and submit the same for the approval of this General Assembly, all of which they have done, therefore,

State Library Building. *Be it resolved,* That the plans and specifications herewith submitted be accepted and the said library building in accordance therewith is hereby ordered to be built, when the necessary legislation is passed to carry the same into effect, and the said joint committee are further instructed to prepare the necessary legislation to carry the same into effect and present the same for the consideration of this General Assembly.

*Passed at Dover, April 13, 1887.*

## RESOLUTIONS.

## CHAPTER 301.

Joint Resolution authorizing the Custodian of the State House to make repairs to State Property.

*Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

That the custodian of the State House be and is hereby authorized to have repaired the building and fences occupied by Peter L. Cooper and belonging to the State of Delaware, and is authorized to draw on the State Treasurer for a sum not to exceed the amount of fifty dollars for any expenses so incurred.

Custodian of State House to have building repaired

*Adopted at Dover, April 19, 1887.*

## CHAPTER 302.

WHEREAS, The State of Delaware having no plant adapted to the hatching and propagating of valuable food fish suitable to the inland waters of this State, and

Preamble.

WHEREAS, The Game Protective Association of this State, have such plant under the care of Dr. E. G. Shortlidge, of the city of Wilmington,

*Therefore be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

That there be appropriated out of the oyster funds, the sum of four hundred dollars per year to the Fish Commissioner of this State, to be used by him in aiding the said Game Protective Association through the said Dr. E. G. Shortlidge or some other like scientific expert in hatching, propagating and distribution of valuable food fish in the inland waters of this State as near equally as may be through the three counties of this State.

\$400 per year appropriated to the Fish Commissioner.

*And be it further resolved,* That the said Fish Commissioner shall on or before the first day of January of each year

Commissioner shall make report.

## RESOLUTIONS.

make a written report to the governor, showing what disposition has been made of such funds, and how many of each kind of food fish have been placed in the several inland streams of this State, along with all other information concerning the operations of his office, and the Governor is hereby required to submit such reports to the General Assembly at their biennial sessions.

*And be it further resolved,* That the State Treasurer shall pay from the oyster funds the warrants of the said Fish Commissioner from time to time as he may require, the same not exceeding four hundred dollars in any one year, and this resolution shall remain in force until otherwise ordered by the General Assembly.

Not to exceed \$400 in any one year.

*Adopted at Dover, April 19, 1887.*

## CHAPTER 303.

Joint Resolution in relation to arranging papers in the office of the Clerk of the House.

Preamble.

WHEREAS, All bills, petitions and other papers for this and all passed sessions of the General Assembly are deposited in the office of the clerk of the House;

AND WHEREAS, Many of these papers are valuable, both as a matter of reference and as original evidences of the actions of the Assembly on the same;

AND WHEREAS, Said papers are badly disarranged and it is desirable that they should be properly labeled and placed in the proper pigeon holes made for their keeping; therefore,

*Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

E. T. Cooper directed to arrange and label all papers.

That E. T. Cooper, clerk of the House, be and he is hereby directed before the next session of the General Assembly to properly arrange and label all papers with the year of the session the same were acted upon, and make such other proper arranging of said papers as will be most convenient to be found by persons interested in the same hereafter, and he

RESOLUTIONS.

is authorized to present his account to the next General Assembly which shall allow him such compensation as is deemed right and proper.

*Adopted at Dover, April 20, 1887.*

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CHAPTER 304.

A Joint Resolution in relation to adjournment *sine die*.

*Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

That both Houses of the General Assembly adjourn *sine die* Thursday, the 21st instant.

*Adopted at Dover, April 20, 1887.*

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CHAPTER 305.

Joint Resolution in relation to adjournment *sine die*.

*Resolved, That both houses of this General Assembly adjourn sine die to-morrow, April 22, at 12 o'clock noon.*

*Adopted at Dover, April 21, 1887.*



## RESOLUTIONS.

## CHAPTER 306.

## Joint Resolution in Relation to Adjournment.

Inasmuch as it is impossible to get through with all the work necessary to be done, therefore

*Be it resolved by the Senate and House of Representatives in General Assembly met:*

That we change the time agreed upon, viz: 12 o'clock to 3.30 o'clock, P. M.

*Adopted at Dover, April 22, 1887.*

## CHAPTER 307.

## Joint Resolution Authorizing the Purchasing of a Journal of the Votes and Proceedings of the State.

## Preamble.

WHEREAS, There is a journal of the votes, and proceedings of the House of Representatives of the State of Delaware, embracing the years 1782 to 1791 inclusive, now in the possession of Mr. T. O. Culbreth, who, we understand, is willing to dispose of the same at a small compensation. The volume is No. 2 of our journals. If we let this opportunity go by without securing the aforesaid volume it may be our last, as there are but very few volumes in existence, and those who have them prize them very highly.

*Therefore be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Book purchased from Mr. Culbreth.

That the said book be purchased from Mr. Culbreth at the sum of fifteen dollars, and the State Treasurer be authorized to pay the same.

*Adopted at Dover, April 22, 1887.*

## RESOLUTIONS.

## CHAPTER 308.

Joint Resolution to pay Elwood R. Norney twenty dollars.

*Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:* That the State Treasurer is directed to pay to Elwood R. Norney twenty dollars for costs of suit paid by him in U. S. Court at Wilmington in fishery suits against the N. J. fishermen, paid by request of Governor Stockley. State Treasurer directed to pay Elwood R. Norney \$20.

*Adopted at Dover, April 22, 1887.*

## CHAPTER 309.

Joint Resolution in relation to the State Treasurer's room in the State House and the "Jump Property."

*Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

That the State Librarian be and he is hereby authorized and directed to have the State Treasurer's room in the State House provided with the necessary furniture, and that he also have the State's property, known as the "Jump Property," furnished with the necessary window and door screens; *Provided, however,* that the amount expended for these purposes shall not exceed the sum of seventy-five dollars, and that he draft on the State Treasurer for the amount of actual expenses that shall be incurred under this resolution. State Librarian to have State Treasurer's room provided with furniture; also have the Jump property furnished with window and door screens.

*Adopted at Dover, April 22, 1887.*

## RESOLUTIONS.

## CHAPTER 310.

Joint Resolution to pay Frank R. Carswell three hundred Dollars.

Preamble.

WHEREAS, The Joint Committee to whom was referred the question of building a new State library building, were granted by this General Assembly the authority to employ a competent architect to prepare proper plans for such building. In accordance with their instructions, the said Joint Committee employed such architect at the regular customary price for preparing such work and reported such plans to this General Assembly which were accepted, and the committee further instructed to prepare the necessary legislation to carry the same into effect.

WHEREAS, This General Assembly has not adopted such legislation, therefore,

\$300 appropriated to pay Frank Carswell for plans for new library building.

*Be it resolved,* That there be appropriated the sum of three hundred dollars (\$300.00) to pay Frank R. Carswell for his plans for a new State library building made by him and accepted by this General Assembly, and the State Treasurer is hereby authorized to pay the within sum of three hundred dollars.

*Adopted at Dover, April 22, 1887.*

## CHAPTER 311.

A Joint Resolution to pay Frank Whelan and H. H. Hobson for services to the Committee on Enrolled Bills.

*Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

That the State Treasurer be and he is hereby authorized and directed to pay the following sums to the persons herein named for their services to the Committee on Enrolled Bills:

Frank Whelan, seventy-five dollars.

H. H. Hobson, forty-five dollars.

*Adopted at Dover, April 22, 1887.*

## RESOLUTIONS.

## CHAPTER 312.

Joint Resolution directing the State Treasurer to pay Harry W. McIntyre one hundred and twenty-five dollars.

*Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

That the State Treasurer is hereby directed to pay Harry W. McIntyre the sum of one hundred and twenty-five dollars as services rendered as clerk of joint committee on divorce.

*Adopted at Dover, April 22, 1887.*

## CHAPTER 313.

Joint Resolution Authorizing the Collection of Certain Claims due this State.

WHEREAS, It has been represented that there are certain Preamble. claims or debts due this State of Delaware, from the United States now remaining in the Treasury of the United States; therefore,

*Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

That William Herbert, Treasurer of the State of Delaware, be, and he is hereby authorized and empowered to collect and receipt for all claims or debts owing or belonging to this State from the United States.

State Treasurer to collect and receipt all claims owing this State from the U. S.

*Resolved further,* That in furtherance of said collection, the said William Herbert, State Treasurer as aforesaid, be, and he is hereby authorized and empowered to employ, constitute and appoint any person or persons for him and in his behalf to adjust, determine and settle all such claims or debts, and further to enter into such contract or contracts which he may deem advisable or necessary in the premises, and for such service or services, the said State Treasurer, a sum, not to exceed twenty-five per centum, shall be allowed to be deducted from any and all sums of money so collected and paid over into the Treasury of this State, which said sum shall be in lieu of

Authorized to appoint any person to settle such claims or drafts.

## RESOLUTIONS.

all expenses or charges attending the said collection and paying over the said sum or sums of money so as aforesaid collected; and that the said State of Delaware shall be at no expense or charge whatever, except as aforesaid.

Shall make  
report.

*Resolved further*, That the said William Herbert, State Treasurer as aforesaid, shall make a full report, setting forth his transactions and doings in this behalf to the next General Assembly of this State.

*Adopted at Dover, April 22, 1887.*

## CHAPTER 314.

A Joint Resolution in relation to the Printing the Registration Bill.

Preamble.

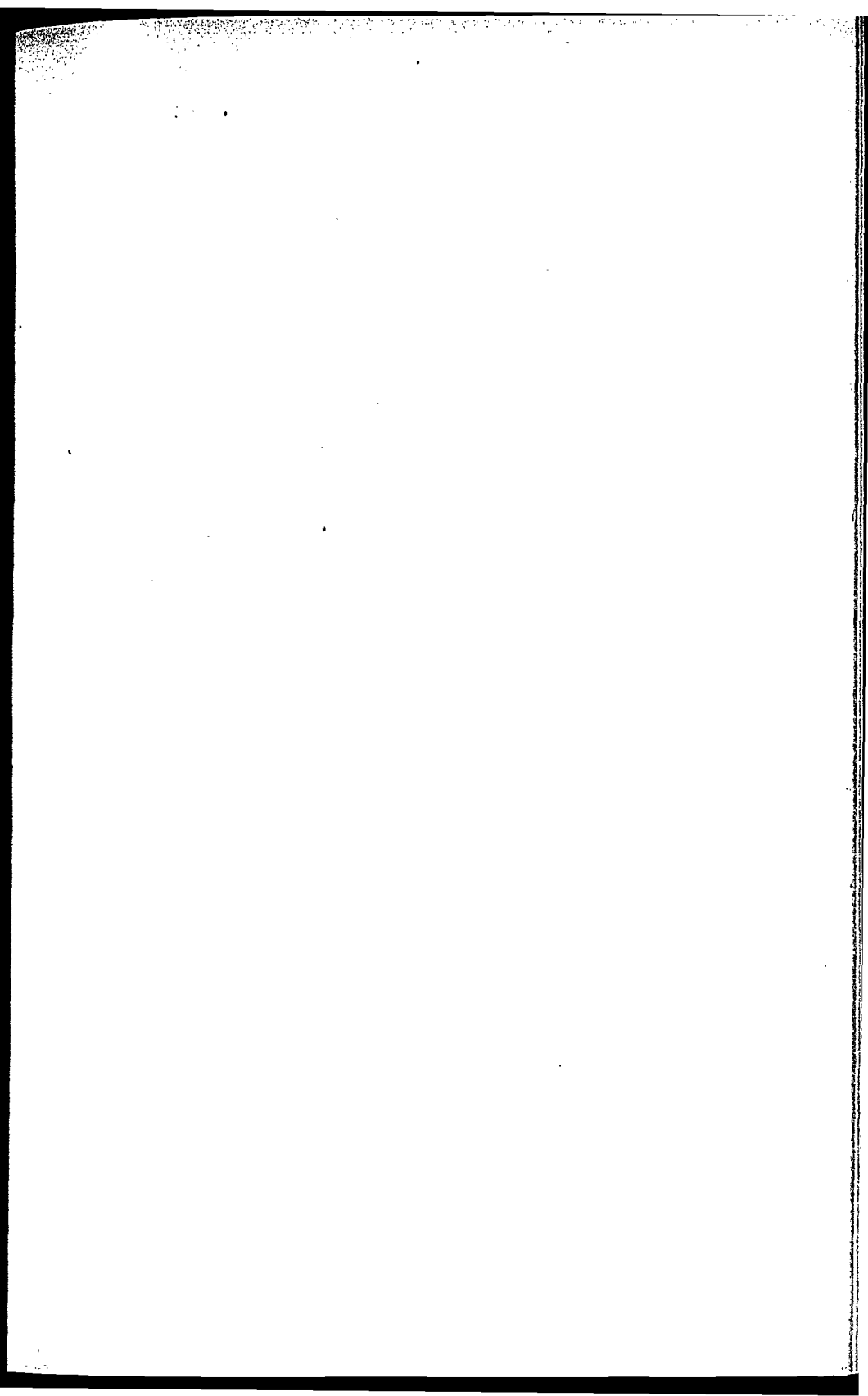
WHEREAS, A large portion of the voters in the city of Wilmington, are Germans and unable to read the English language,

*Therefore, be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Secretary of  
State au-  
thorized to  
have 500  
copies of  
Registration  
bill  
printed in  
German.

That the Secretary of State is hereby authorized to have five hundred copies of the act recently passed by this General Assembly, commonly called "The Registration Bill for the city of Wilmington," printed in the German language for the benefit of the said Germans.

*Adopted at Dover, April 22, 1887.*



## TITLES OF ACTS OF INCORPORATION

## EXCLUDED FROM PUBLICATION

BY ACT OF FEBRUARY 17, 1866.

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## CHAPTER 315.

An Act to incorporate The Wilmington Transfer Company.  
Passed at Dover, January 19, 1887.

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## CHAPTER 316.

An Act to incorporate the Rebman Library Association of the city of  
Wilmington, Delaware.  
Passed at Dover, January 19, 1887.

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## CHAPTER 317.

An Act to incorporate the Citizen's Hose Company, No. 1, of Smyrna,  
Delaware.  
Passed at Dover, January 19, 1887.

TITLES OF ACTS OF INCORPORATION.

CHAPTER 318.

An Act to incorporate the Ancient Order of Hibernians, Division Number Seven, of the city of Wilmington, Delaware.

Passed at Dover, January 19, 1887.

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CHAPTER 319.

An Act for the renewal of the charter of The Lobdell Car Wheel Company.

Passed at Dover, January 19, 1887.

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CHAPTER 320.

An Act authorizing A. G. Deakyne to erect a gate.

Passed at Dover, January 31, 1887.

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CHAPTER 321.

An Act to incorporate The Combs Coal and Lumber Company.

Passed at Dover, February 1, 1887.



## TITLES OF ACTS OF INCORPORATION.

## CHAPTER 322.

An Act to re-enact and continue in force the act "Incorporating the Felton Institute and Classical Seminary."

Passed at Dover, February 4, 1887.

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## CHAPTER 323.

An Act to incorporate The Green Bank Ice Company of Marshallton, Delaware.

Passed at Dover, January 7, 1887.

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## CHAPTER 324.

An Act to continue in force "An Act to incorporate National Lodge, No. 32, Independent Order of Odd Fellows of St. Georges, Delaware," passed at Dover, February 19th, 1867.

Passed at Dover, February 8, 1887.

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## CHAPTER 325.

An Act to incorporate The Gilpin Avenue Club Stable.

Passed at Dover, February 9, 1887.

TITLES OF ACTS OF INCORPORATION.

CHAPTER 326.

A further supplement to an act entitled "An act to incorporate The Masonic Hall Company, of Wilmington, Delaware."

Passed at Dover, February 14, 1887.

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CHAPTER 327.

An Act to incorporate "The Lea Pusey Company."

Passed at Dover, February 15, 1887.

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CHAPTER 328.

An Act to revive and renew Friendship Church Cemetery of Appoquinimink Hundred.

Passed at Dover, February 15, 1887.

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CHAPTER 329.

An Act to incorporate "The Republican Printing and Publishing Company, of Wilmington, Delaware."

Passed at Dover, February 16, 1887.

## TITLES OF ACTS OF INCORPORATION.

## CHAPTER 330.

A supplement to an act to incorporate The Harlan and Hollingsworth Company, passed at Dover, March 6, 1867.

Passed at Dover, February 16, 1887.

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## CHAPTER 331.

An Act for the renewal of the charter of the Wilmington Loan Association.

Passed at Dover, February 17, 1887.

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## CHAPTER 332.

An Act to confirm and establish the marriage between William A. Dodd and Ella S. Dodd.

Passed at Dover, February 17, 1887.

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## CHAPTER 333.

An Act for the renewal of the charter of the "Mutual Loan Association."

Passed at Dover, February 23, 1887.

TITLES OF ACTS OF INCORPORATION.

CHAPTER 334.

An Act to incorporate the Inter Nos Manufacturing Company.  
Passed at Dover, February 23, 1887.

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CHAPTER 335.

An Act to incorporate The Portland Paving Company of Delaware.  
Passed at Dover, February 23, 1887.

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CHAPTER 336.

An Act for the renewal of the charter of the Diamond State Loan  
Association.  
Passed at Dover, February 23, 1887.

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CHAPTER 337.

An act to incorporate the "James Bradford Company."  
Passed at Dover, February 25, 1887.

## TITLES OF ACTS OF INCORPORATION.

## CHAPTER 338.

An act to amend an act entitled "An act to incorporate the Aid Loan Association, of Wilmington, Delaware."

Passed at Dover, February 25, 1887.

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## CHAPTER 339.

An act to incorporate The Christiana Lodge, No. 9, Independent Order of Good Templars, of White Clay Creek Hundred, a religious, moral and charitable association.

Passed at Dover, February 28, 1887.

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## CHAPTER 340.

An act for the renewal of the charter of the Farmers' Mutual Fire Insurance Company, of the State of Delaware.

Passed at Dover, March 1, 1887.

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## CHAPTER 341.

An act to incorporate the "Orange Street Sewer Company," of Wilmington, Delaware.

Passed at Dover, March 1, 1887.

TITLES OF ACTS OF INCORPORATION.

CHAPTER 342.

A further supplement to the act entitled "An act to incorporate the Edge Moor Iron Company."

Passed at Dover, March 2, 1887.

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CHAPTER 343.

An act to incorporate The Stanton Hall Company of Stanton.

Passed at Dover, March 2, 1887.

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CHAPTER 344.

An act to incorporate the I. O. H. Publishing Company.

Passed at Dover, March 8, 1887.

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CHAPTER 345.

An act to incorporate the Tenth and Franklin Streets Sewer Company, of Wilmington, Delaware.

Passed at Dover, March 9, 1887.

## TITLES OF ACTS OF INCORPORATION.

## CHAPTER 346.

An act to incorporate the "Washington Street Market House Company."

Passed at Dover, March 9, 1887.

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## CHAPTER 347.

An act to renew an act to incorporate the Home Loan Association.

Passed at Dover, March 9, 1887.

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## CHAPTER 348.

An act to incorporate The West Street Sewer Company, of Wilmington.

Passed at Dover, March 10, 1887.

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## CHAPTER 349.

An act to incorporate Hockessin Grange No. 4, Patrons of Husbandry, near Hockessin, Delaware.

Passed at Dover, March 10, 1887.

TITLES OF ACTS OF INCORPORATION.

CHAPTER 350.

An act to incorporate the Pennsylvania Avenue Sewer Company.

Passed at Dover, March 14, 1887.

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CHAPTER 351.

A supplement to the act entitled "An act to incorporate Franklin Lodge, No. 12, Georgetown, Delaware," passed at Dover, February 25, 1847.

Passed at Dover, March 16, 1887.

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CHAPTER 352.

An act to incorporate the "Double Run Branch Ditch Company."

Passed at Dover, March 17, 1885.

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CHAPTER 353.

A supplement to an act entitled "An act to incorporate Wissahickon Tribe, No. 20, Improved Order of Red Men," passed at Dover, January 28, 1885.

Passed at Dover, March 17, 1887.



## TITLES OF ACTS OF INCORPORATION.

## CHAPTER 354.

An act to incorporate the Cyrus Castle, No. 1, Knights of the Golden Eagle, of Wilmington, Delaware.

Passed at Dover, March 17, 1887.

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## CHAPTER 355.

An act to amend the charter of the Atlas Dredging Company.

Passed at Dover, March 21, 1887.

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## CHAPTER 356.

An act to incorporate the "Farmers' Preserving Company."

Passed at Dover, March 21, 1887.

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## CHAPTER 357.

An act to re-incorporate the Washington Lodge, No. 1, of the Knights of Pythias, of Delaware.

Passed at Dover, March 21, 1887.

TITLES OF ACTS OF INCORPORATION.

CHAPTER 358.

An act to incorporate the "Collins Beach Meadow Company."

Passed at Dover, March 22, 1887.

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CHAPTER 359.

An act to incorporate Indian Hill Tribe, No. 19, Improved Order of Red Men.

Passed at Dover, March 23, 1887.

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CHAPTER 360.

An act to incorporate the "Delaware Terra Cotta Company."

Passed at Dover, March 23, 1887.

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CHAPTER 361.

An act to incorporate Friendship Conclave, No. 1, Heptasophs or Seven Wise Men.

Passed at Dover, March 24, 1887.

## TITLES OF ACTS OF INCORPORATION.

## CHAPTER 362.

An act to incorporate "The Bridgeville Peach Producers and Packers Company."

Passed at Dover, March 25, 1887.

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## CHAPTER 363.

An act to incorporate "The Peninsular Relief Society."

Passed at Dover, March 28, 1887.

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## CHAPTER 364.

An Act to amend the act entitled "An act to enable the owners and possessors of a certain tract of meadow ground, marsh and cripple situated at the north end of the town of New Castle, to repair and maintain the banks, dykes and sluices belonging to the same."

Passed at Dover, March 29, 1887.

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## CHAPTER 365.

An Act to incorporate Liberty Conclave, Number (3) Three, Heptasophs, or Seven Wise Men.

Passed at Dover, March 30, 1887.

TITLES OF ACTS OF INCORPORATION.

CHAPTER 366.

An Act to incorporate "The Muddy Branch Ditch Company."

Passed at Dover, March 30, 1887.

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CHAPTER 367.

An Act to incorporate The Malam Locomotive Boiler Company.

Passed at Dover, March 31, 1887.

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CHAPTER 368.

An Act to incorporate Palestine Castle Number One, Ancient Order  
Knights of the Mystic Chain, of Wilmington, Delaware.

Passed at Dover, April 4, 1887,

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CHAPTER 369.

An Act to incorporate the West Fourth Street Sewer Company, of  
Wilmington.

Passed at Dover, April 6, 1887.

## TITLES OF ACTS OF INCORPORATION.

## CHAPTER 370.

An Act to incorporate the Woman's Christian Temperance Union of the City of Wilmington.

Passed at Dover, April 6th, 1887.

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## CHAPTER 371.

An Act to incorporate "The Young Woman's Christian Temperance Union" in the city of Wilmington.

Passed at Dover, April 6, 1887.

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## CHAPTER 372.

An Act to incorporate the "Wilmington Freight and Ferry Company."

Passed at Dover, April 7, 1887.

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## CHAPTER 373.

An Act to re-enact the act entitled "An act to incorporate the Smyrna Building and Loan Association of the town of Smyrna."

Passed at Dover, April 11, 1887.

TITLES OF ACTS OF INCORPORATION.

CHAPTER 374.

An Act to enable James C. Beebe to stock "Cuffs branch and pond" with fish.

Passed at Dover, April 13, 1887.

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CHAPTER 375.

An Act to incorporate The Fenwick's Island Beach Company.

Passed at Dover, April 14, 1887.

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CHAPTER 376.

An Act to incorporate the Bently and Walsh Chemical Manufacturing Company, limited.

Passed at Dover, April 15, 1887.

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CHAPTER 377.

An Act to amend Chapter 298, Vol. 15, Laws of the State of Delaware, and supplement thereto.

Passed at Dover, April 15, 1887.

## TITLES OF ACTS OF INCORPORATION.

## CHAPTER 378.

An Act to amend an act entitled an act to incorporate the Delaware Fruit Exchange.

Passed at Dover, April 15, 1887.

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## CHAPTER 379.

An Act to incorporate the Lebanon Navigation Company.

Passed at Dover, April 15, 1887.

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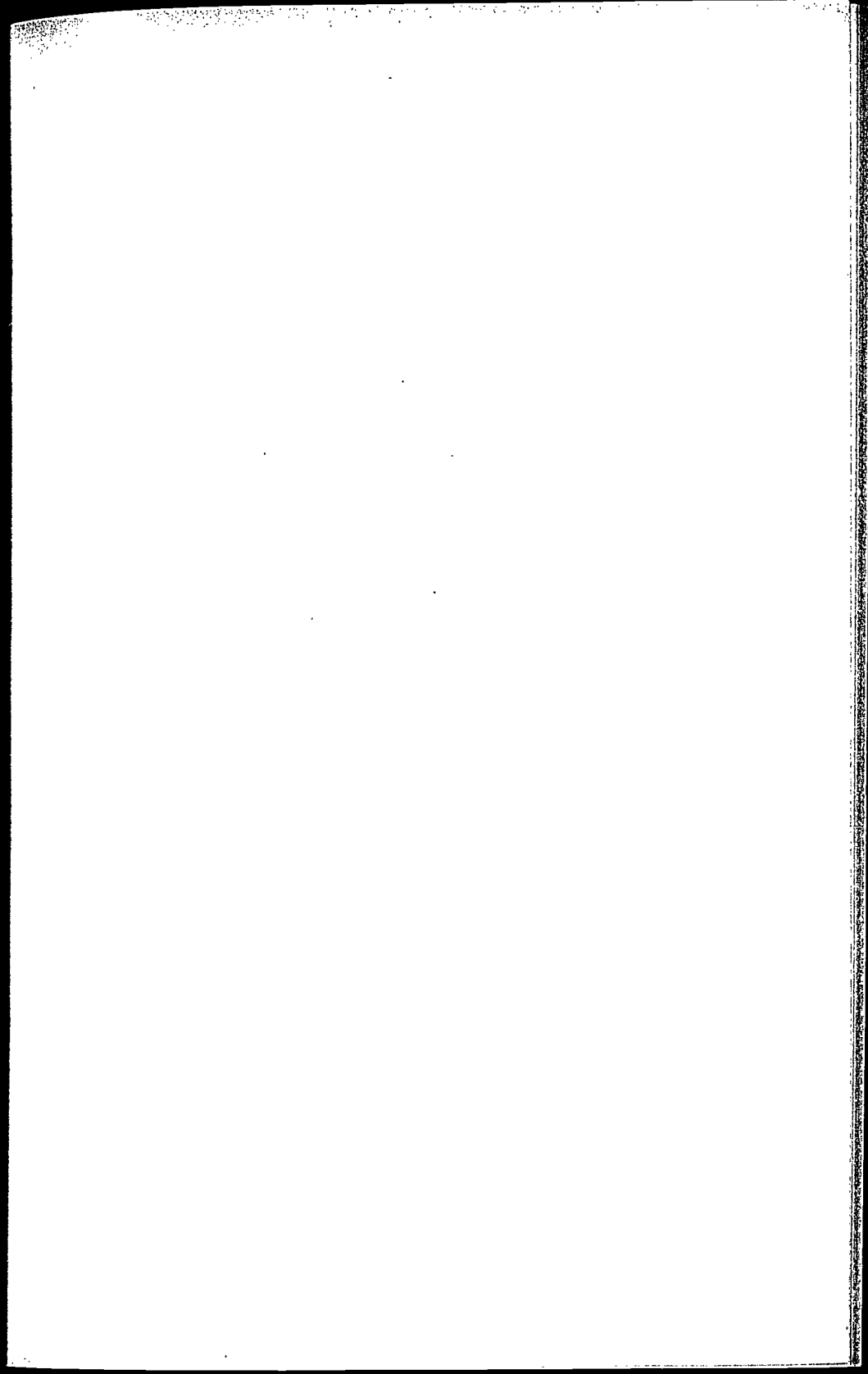
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Passed at Dover, April 22, 1887.



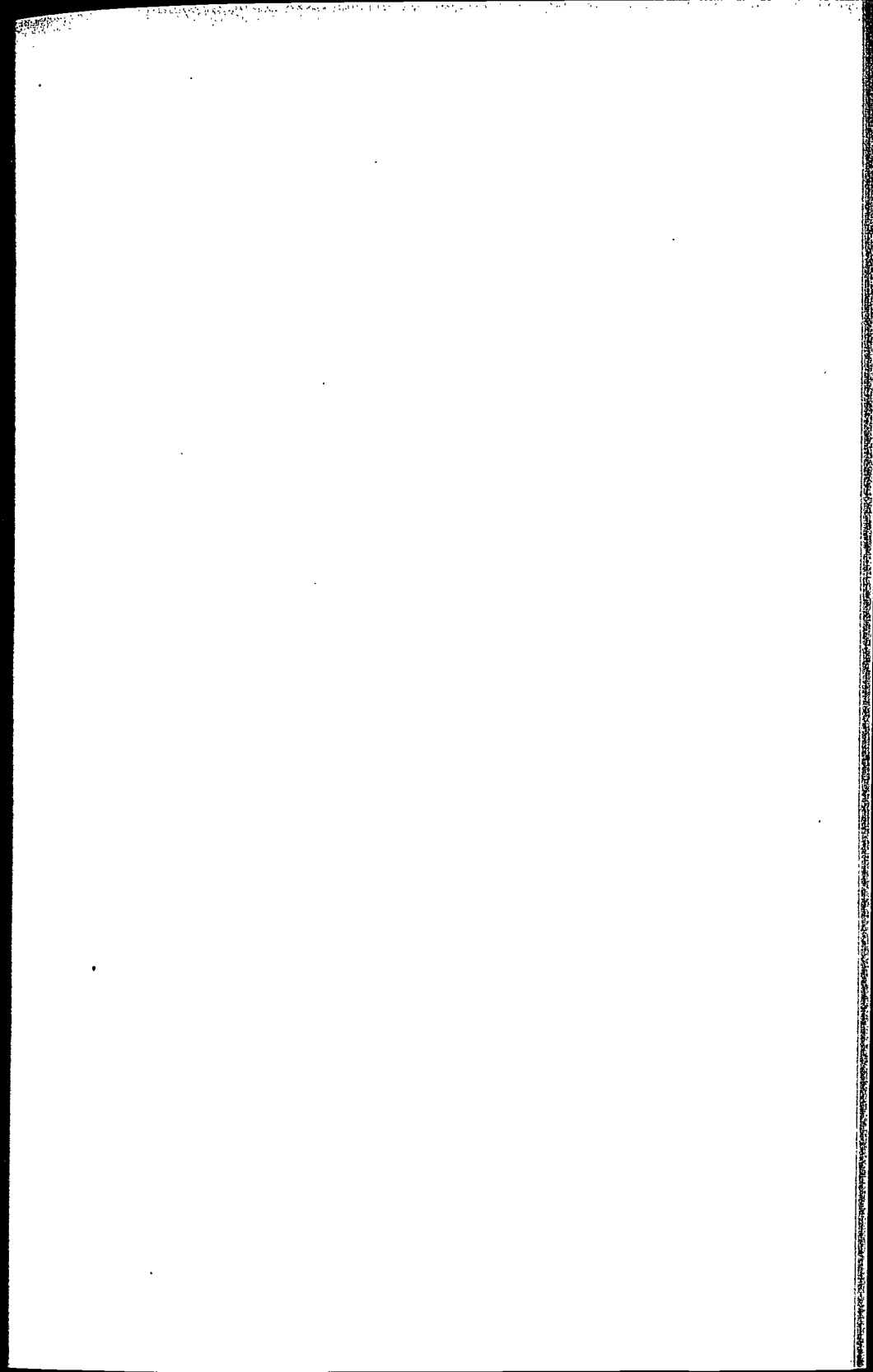
SECRETARY'S OFFICE.

DOVER, August 22, 1887.

In obedience to directions of Chapter 4 of the Revised Code, entitled "Of the passing and publication of Laws and Journals," I have collated with and corrected by the original rolls now in this office and caused to be published this edition of the Laws of the State of Delaware, passed by the General Assembly at the regular biennial session, commenced on Tuesday, the fourth day of January, A. D. 1887.

Words and sentences noted with asterisks are printed as they appear on the rolls.

JOHN P. SAULSBURY,  
*Secretary of State.*



SECRETARY'S OFFICE.

DOVER, August 22, 1887.

ERRATA.

Through a typographical error folio 321 was printed as folio 521.

JOHN P. SAULSBURY,  
*Secretary of State.*

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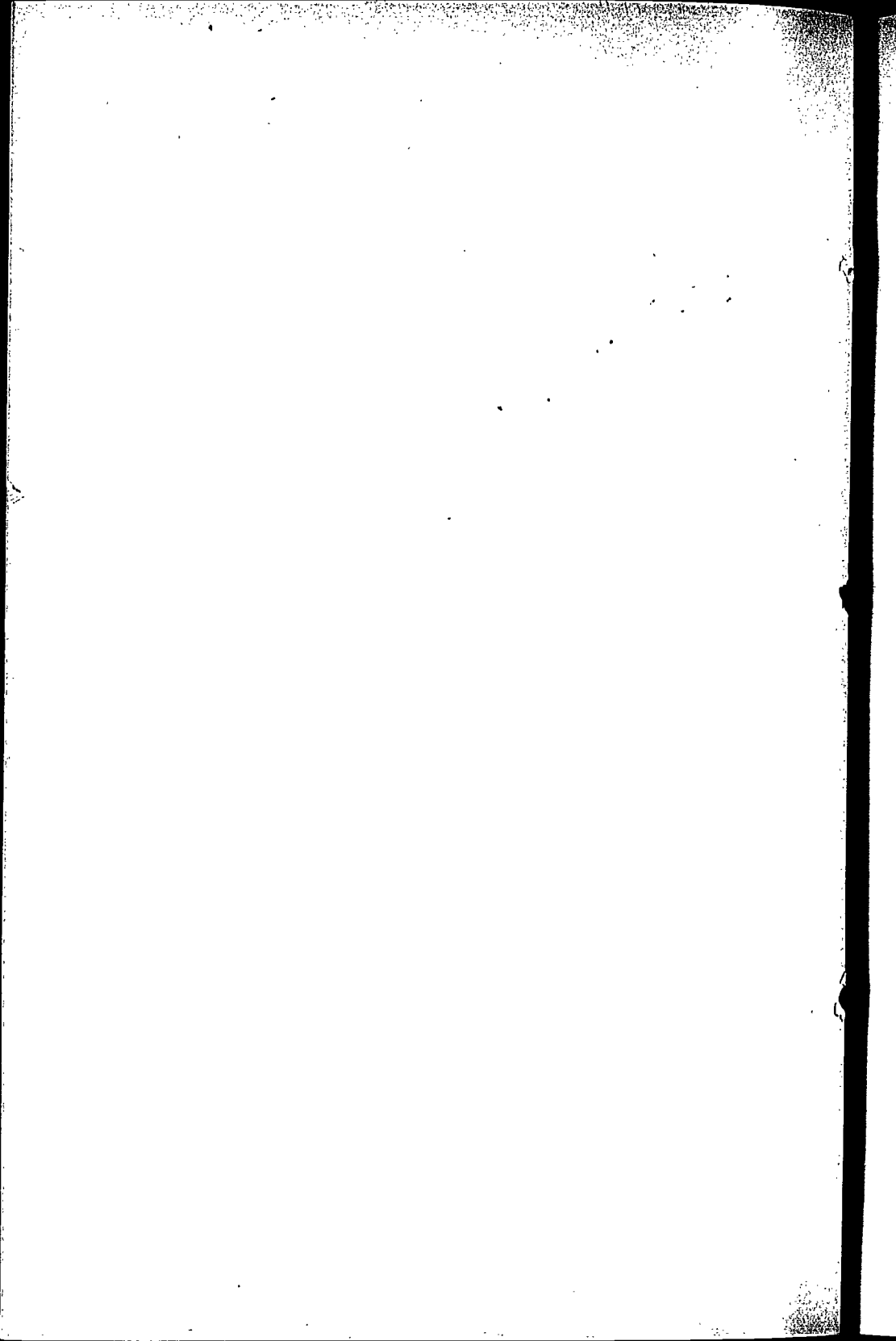
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# LAWS

OF THE

## STATE OF DELAWARE,

PASSED AT A

Session of the General Assembly,

COMMENCED AND HELD AT DOVER

ON TUESDAY, JANUARY 1st, A. D. 1889,

AND IN THE

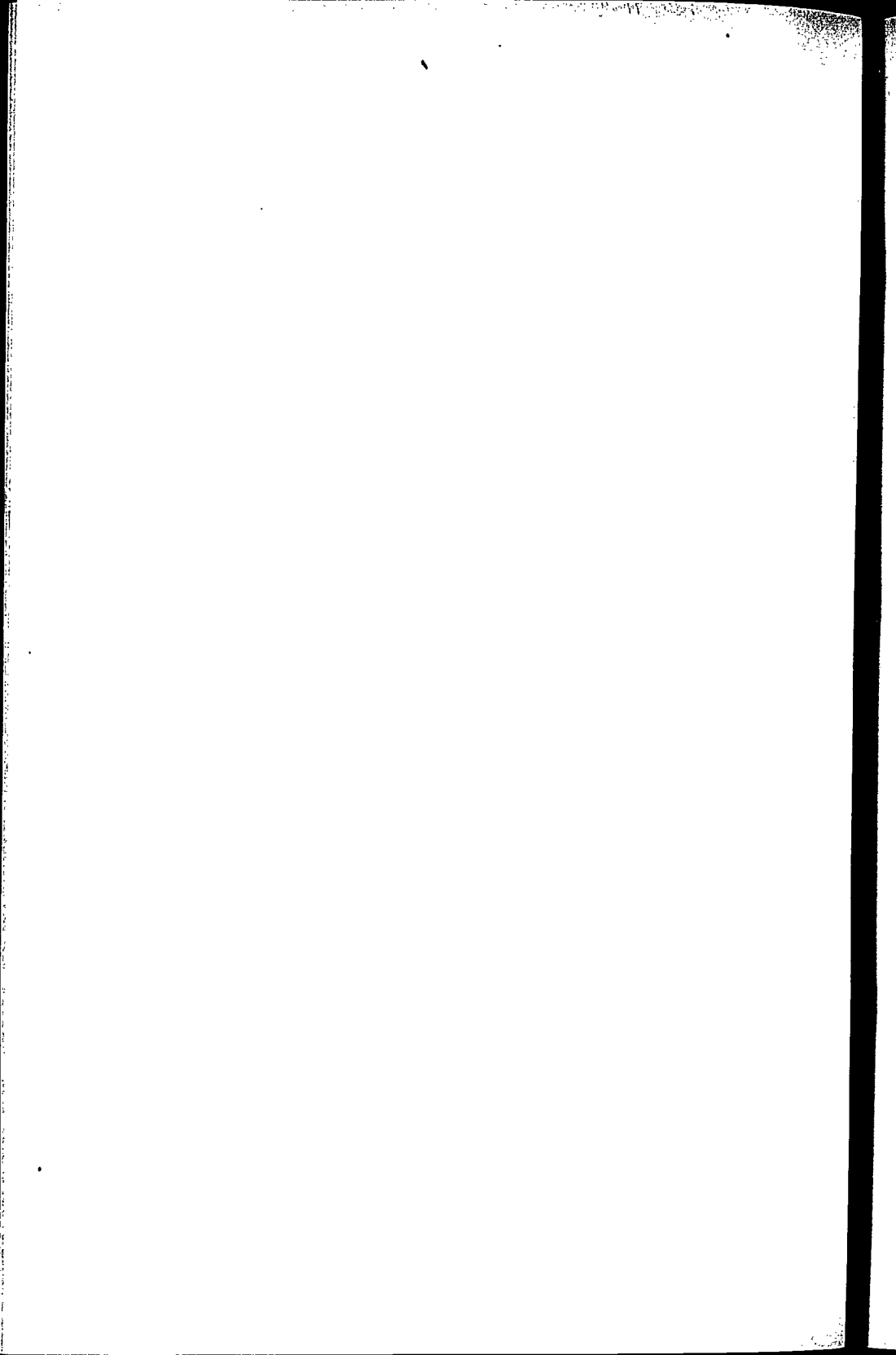
YEAR OF THE INDEPENDENCE OF THE UNITED STATES  
THE ONE HUNDRED AND THIRTEENTH.

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# LAWS OF DELAWARE

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## TITLE FIRST.

Of the Jurisdiction and Property of the State ; its Legislation and Laws.

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### CHAPTER 448.

#### OF BOUNDARY LINE.

AN ACT in relation to the Boundary Line Between the State of Delaware and the Commonwealth of Pennsylvania.

WHEREAS, It appears that the boundary line between the State of Delaware and the Commonwealth of Pennsylvania has by reason of the destruction, removal, or mutilation of the monuments erected upon said line become uncertain; therefore,

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. That Hon. Thomas F. Bayard, Hon. B. L. Lewis and Hon. John H. Hoffecker are hereby appointed commissioners on the part of the State of Delaware, and as such commissioners are hereby authorized to act in conjunction with a similar commission from the Commonwealth of Pennsylvania to examine, survey and re-establish the boundary line which separates this State from the Commonwealth of Pennsylvania. When said boundary line is thus fixed, re-established and re-located it shall be the duty of the commis-

Preamble.

Commissioners appointed.

Pennsylvania commissioners.

Boundary line to be fixed and established.

## OF BOUNDARY LINE.

Monuments  
to be  
erected.

Detailed re-  
port of the  
field notes  
to be signed  
in duplicate

Oath to be  
taken by  
commis-  
sioners and  
surveyor  
before an  
officer.

Field notes  
to be re-  
corded in  
New Castle  
county.

Filed in the  
office of  
Secretary  
of State.

Consent of  
a majority  
necessary to  
establish  
boundary.

Commis-  
sioners may  
administer  
oath for  
faithful per-  
formance  
of duty.

Expenses.

sioners hereby appointed, acting in conjunction with the commission aforesaid by and on behalf of the Commonwealth of Pennsylvania, to mark its location by the erection of enduring monuments; and they shall, acting in conjunction as aforesaid, make a detailed report in duplicate of their operations, which said report executed in duplicate as aforesaid shall, together with the field notes of surveys, descriptions of monuments, maps, and other items of interest connected with said work, immediately after the performance thereof, be signed in duplicate by each of said commissioners and by the civil engineers employed in said work. The said commissioners and engineers shall severally acknowledge before an officer duly authorized to take acknowledgments of deeds, &c., that the facts set forth in said report and in said field notes of surveys, description of monuments, maps, and other items of interest connected with said work executed in duplicate as aforesaid, are true and correct to the best of their knowledge and belief, which said acknowledgments shall be duly certified to under the hand and seal of said officer.

One of said duplicates, together with the field notes of surveys, description of monuments, maps, and other items of interest connected with said work shall be taken by the commissioners appointed by and on behalf of the Commonwealth of Pennsylvania, and the other of said duplicates, together with the field notes of surveys, description of monuments, maps, and other items of interest connected with said work shall be taken by the commissioners appointed by and on behalf of the State of Delaware, and shall by said last mentioned commissioners be recorded in the Recorder's office of New Castle County, State of Delaware, and after being so recorded shall be forwarded to and filed in the office of Secretary of State of the State of Delaware and by him recorded and filed and carefully preserved in his office as are other official documents deposited by law in said office.

SECTION 2. That it shall require the consent of a majority of the commissioners hereby appointed to fix, re-establish and re-locate said boundary line or any part thereof, or to determine any other question which may arise from or out of the proceedings hereby authorized. The commissioners may also administer oaths or affirmations for the faithful performance of duty to any person or persons employed by them under the provisions of this act.

SECTION 3. That for the purpose of providing for the compensation of the said commissioners and for divers others

## OF PUBLIC LANDS.

necessary expenses incident to the discharge of the duties herein imposed, the sum of two thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the treasury of the State not otherwise appropriated, which sum shall be paid by the Treasurer of the State of Delaware when duly verified and authenticated vouchers of disbursements have been filed in said treasurer's office by the said commissioners hereby appointed.

Two thousand dollars appropriated to pay expenses.  
Paid by State Treasurer.  
Vouchers filed in office of State Treasurer.

*Passed at Dover, April 25, 1889.*

## CHAPTER 449.

## OF PUBLIC LANDS.

AN ACT to cede certain lands to the United States of America.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. That Hiram R. Burton, David L. Mustard, and Franklin C. Maull, of Sussex County, be, and they are hereby appointed Commissioners on the part of the State of Delaware, and they, or a majority of them are hereby authorized and empowered in conjunction with any agent or person appointed by the President of the United States, or by the Secretary of the Treasury, to locate and fix the boundaries of any quantity of land belonging to the State of Delaware, not exceeding fifteen hundred feet front, and twelve hundred feet deep from low water mark, situate and lying on the Delaware Bay, between the United States Government Iron Pier, and the point of Cape Henlopen; and the land so located and designated by the aforesaid Commissioners, in conjunction with the agent or person appointed as aforesaid by the President of the United States or the Secretary of the Treasury, and all claim, title and right of soil and jurisdiction of the State of Delaware into or over the same, are hereby ceded to and vested in the United States in perpetuity; that a plot of the land so located and hereby ceded as aforesaid be made and recorded in the office of the Recorder of Deeds, in and for Sussex County; *Provided*, that the sover-

Commissioners on part of State

Commissioners on part of United States.

Location and boundary of land

Land on Delaware Bay.

Where located.

Land ceded and vested.

Plot of land recorded in Recorder's office at Georgetown

## OF LIMITS.

*Jurisdiction of United States to extend over land ceded.* eignty and jurisdiction of this State shall extend over the land hereby ceded to the United States so far as that all civil and criminal process issued under any laws of this State may be executed in any part of said lands and the buildings or structures thereon erected.

SECTION 2. That the above cession of land and jurisdiction is made upon the express condition that a Quarantine State\* shall be located and maintained thereon by the United States.

*Passed at Dover, April 12, 1889.*

## CHAPTER 450.

## OF LIMITS.

AN ACT to divide South Murderkill Hundred into two Election Districts.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

*Purposes of act.*

*Divided into two districts.  
Dividing line.*

*Election districts.  
Where election shall be held in district No. 1.  
Election in district No. 2.*

SECTION 1. That for the purpose of holding all elections for Electors of President and Vice President of the United States, Representatives in Congress, State and county officers, and for the election for Assessors of the said hundred and for Inspectors of the election districts and all other elections legally called, the hundred of South Murderkill shall be divided into two election districts by the following lines, viz: Beginning at a point in the town of Canterbury, where the direct road leading from Magnolia to Canterbury intersects the public road leading through the said town, and running thence by said road, southward, directly over Pratts and Spring Branches, until it intersects the road leading from Masten's Corner to Boone's Mill, thence eastward with said road to Boone's Mill stream. All that part of said hundred west of said dividing line shall be called Election District No. 1, South Murderkill Hundred, and the elections in said district shall be held in the Town of Felton at the usual place. All that part east of said dividing line shall be called Election District No. 2, South Murderkill Hundred and the

\*So enrolled.

## OF LIMITS.

election in said district shall be held in the Town of Fred-  
erica at the hotel called "The Delaware House."

SECTION 2. All electors of said hundred shall vote in the election district in which they at that time reside. One Inspector shall be elected by the electors of each district, who shall preside over the election in the district in which he resides. In case of death, removal or failure of an Inspector to be present at the place of election in due time, his place shall be filled in manner as directed by existing law, as if the hundred had not been divided. In all elections for Assessor for the hundred, the name shall be placed on the tickets in both districts and shall be voted for by all the electors voting, a majority of votes in the whole hundred electing. *And be it further provided* that in the election of Assessor, the districts shall be represented alternately.

Electors to vote in district where they reside.  
Inspector how elected.  
Vacancy of inspector how filled.  
Assessor how filled.  
Districts to be represented alternately.

SECTION 3. The Levy Court at its session in March 1889, shall appoint some duly qualified voter of District No. 1, as Inspector, to hold and preside with all the usual authority at the next election or elections to be held in said district until a successor is duly elected by the provisions herein provided by Section 2.

Levy Court to appoint inspector for 1889 in district No. 1

SECTION 4. The said presiding officers or Inspectors and Judges of both election districts shall assemble on the day succeeding the election or elections at 12 o'clock M., or between the hours of 12 M., and 1 o'clock P. M., at the voting place of one of the districts and shall ascertain the aggregate numbers of votes in both election districts for Assessor, and shall make and deliver certificates according to law. If two candidates for said office shall have received the same number of votes, the presiding officer of the district in which they are met shall cast the deciding vote, which shall elect the candidate for whom the vote is cast. *And be it further provided* that said election officers of both districts shall assemble on the next day after the next election at the voting place of District No. 2, and alternately at the voting places of the two districts.

Inspectors to assemble to ascertain the vote for assessor.  
Tie vote how decided.  
Where first to assemble.

SECTION 5. The Levy Court of the County of Kent shall at the time of appointing the presiding officer of District No. 1, make provision for the furnishing him with a list of the voters of his district, and all necessary means to hold the election or elections in legal form and manner.

Levy Court to furnish inspector with list of voters.

SECTION 6. It shall be the duty of the Collector of said



## OF DUCK CREEK.

Collector to authorize some one to collect taxes for him. To be furnished with abstract of duplicate.

hundred to give written authority to a person to collect taxes in the district in which said Collector does not reside, furnishing him with a correct abstract of the duplicate list of the said district and blank receipts in legal form, thereby empowering him as his legal representative to perform the same duties legally as if said Collector was there in person. And further it shall be the duty of the Levy Court of Kent County, Delaware, to provide that said person shall receive the sum of two dollars and fifty cents for his services on election day.

Pay for his services.

Laws applicable to electors to apply.

SECTION 7. All the laws of this State touching elections held in the several hundreds of the State shall apply to elections for the same officers in the said election districts, excepting only so far as the general law for the election of Assessors and Inspectors is qualified by the provisions hereinbefore contained.

*Passed at Dover, February 21, 1889.*

## CHAPTER 451.

## OF DUCK CREEK.

AN ACT to change the name of the stream or water course now known as "Duck Creek."

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Name changed to Smyrna river.

SECTION 1. That the stream or water course constituting in part the dividing line between New Castle and Kent counties, heretofore known as and called by the name of "Duck Creek" shall be hereafter known as and called by the name of "Smyrna River," and said last mentioned name is hereby declared to be and shall hereafter be the name whereby the said stream or water course shall be known and designated.

SECTION 2. This act shall be a public act.

*Passed at Dover, February 7, 1889.*

OF MISPELLION CREEK.

CHAPTER 452.

OF MISPELLION CREEK.

AN ACT to change the name of Mispillion Creek.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, as follows:*

SECTION 1. That the name of Mispillion Creek be and the same is hereby changed to the name of Mispillion River. Name changed to Mispillion river.

*Passed at Dover, February 21, 1889.*

CHAPTER 453.

OF MURDERKILL CREEK.

AN ACT entitled An Act to change the name of the stream of water known as Murderkill Creek to that of Murderkill River.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. That the name of Murderkill Creek be and the same is hereby changed to Murderkill River. Name changed to Murderkill river.

*Passed at Dover, February 21, 1889.*

## OF LITTLE DUCK CREEK.

## CHAPTER 454.

## OF LITTLE DUCK CREEK.

AN ACT entitled An Act to change the name of the stream or water course now known as "Little Duck Creek" to "Leipsic River."

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Name  
changed to  
Leipsic  
river.

SECTION 1. That the stream or water course now known by the name of "Little Duck Creek" be and the same shall hereafter be known as Leipsic River.

*Passed at Dover, March 20, 1889.*

## CHAPTER 455.

## OF LEWES CREEK.

AN ACT to change the name of Lewes Creek to Lewes River.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

To be  
known as  
Lewes river

SECTION 1. That the stream of water now known as "Lewes Creek" be and the same is hereby changed to "Lewes River."

*Passed at Dover, March 20, 1889.*

OF BROAD CREEK.

CHAPTER 456.

OF BROAD CREEK.

AN ACT to change the name of Broad Creek in Sussex County to Laurel River.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. That the stream in Sussex County heretofore known as and called Broad Creek, be and the same is hereby changed to the name of Laurel River, and by that name shall be hereafter known and designated. <sup>Name changed to Laurel river.</sup>

SECTION 2. This act shall be deemed and taken to be a public act.

*Passed at Dover, April 22, 1889.*

CHAPTER 457.

OF THE PASSING AND PUBLICATION OF LAWS.

AN ACT to Revise and Extend the Time of Recording Private Acts.

WHEREAS, By Section 3 of Chapter 4 of the Revised Statutes of the State of Delaware, it is provided that private statutes (namely), such as are not of a public nature or published as such shall be recorded in the Recorder's office in one of the counties of this State within twelve months after their passage or they shall be void; and, <sup>Preamble.</sup>

WHEREAS, A number of the private and unpublished acts heretofore passed have been allowed to become void through ignorance of the aforesaid enactment, therefore, for the purpose of relieving the parties interested of the embarrassments

## OF PASSING AND PUBLISHING LAWS.

and disappointments arising from such neglect in the premises; therefore,

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch concurring therein):*

Time for  
recording  
private acts  
renewed  
and reen-  
acted.

SECTION 1. That all unpublished acts heretofore passed which have not by special acts been repealed and that have become void on account of not being duly recorded in compliance with the provisions aforesaid, be and the same are hereby severally renewed and re-enacted, and together with the provisions therein contained are respectively declared to be in full force, and all acts and transactions done and performed under the provisions of said acts respectively shall have the same force and effect, and be as valid to all intents and purposes as if the said acts had been severally recorded according to law. *Provided*, that this enactment shall not take effect in the case of any act that has become void as aforesaid until a certified copy thereof procured of the Secretary of State shall be duly recorded in the Recorder's office of one of the counties of this State; *And provided further*, that no such copy of a voided act shall be received for record after the expiration of one year from the passage of this act.

SECTION 2. This act shall be deemed and taken to be a public act and be published as such.

*Passed at Dover, February 6, 1889.*

## TITLE SECOND.

Of the Public Revenue, and the Assessment, Collection  
and Appropriation of Taxes.

### CHAPTER 458.

#### OF THE REVENUE OF THE STATE.

AN ACT to carry into Effect the Provisions of An Act Creating a "State Board of Trustees for the Care of the Insane."

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. That the State Treasurer be and he is hereby authorized to issue bonds of the State of Delaware to the amount of seventy-five thousand dollars, each bond to be of the value of one hundred dollars with coupons or interest warrants thereto attached for each half year's interest thereon. The said bonds shall be numbered from 1 to 750 inclusive, shall be dated July 1, A. D. 1889, and shall bear interest from and after that date at the rate not exceeding four per centum per annum, payable semi-annually on the first days of July and January in each and every year, while they remain unpaid, payable at the Farmers' Bank in the City of Wilmington on presentation of the coupon representing such semi-annual installments of interest. The principal of said bonds shall be payable at the Farmers' Bank of the State of Delaware, at Wilmington, on the first day of July, A. D. 1899, on presentation and surrender of said bonds, but the same or any part thereof may be redeemed at the option of this State on any first day of July or January in or after the year A. D. 1891, upon thirty days' notice published in one newspaper in the City of Philadelphia, and one newspaper in the State of Delaware, indicating by their numbers the bonds thereby called and elected to be redeemed. The said bonds shall each be signed by the Governor, Secretary of State and State Treasurer, on behalf of this State, and shall have the Great Seal impressed thereon or affixed thereto. The signature

State Treasurer to issue bonds of the State.

Value of bonds.

Date of bonds.  
Rate of interest.

Interest payable at Farmers' Bank, Wilmington.

Bond payable in 1899.

When they may be redeemed.

After advertisement by State Treasurer.

Bonds to be signed by the Governor, Secretary of State and State Treasurer.

## OF THE REVENUE OF THE STATE.

Treasurer's name on each coupon of the State Treasurer shall be engraved or printed on each coupon, and the coupon attached to each bond shall be numbered consecutively from 1 to 19, respectively.

SECTION 2. The said bonds authorized to be issued by this act shall be in the following form, to wit:

Form of  
bond

UNITED STATES OF AMERICA,  
STATE OF DELAWARE.

No. ——— Loan of 1889.

Date of  
bonds.

These presents certify and make known that the State of Delaware is held and firmly bound unto the bearer in the sum of one hundred dollars, lawful money of the United States of America, which the said State promises and binds itself to pay to the bearer at the Farmers' Bank in the City of Wilmington on the first day of July, A. D. 1899, with interest at a rate not exceeding four per centum per annum likewise payable at the Farmers' Bank in the City of Wilmington on the first days of July and January in each and every year, whilst the same principal sum remains unpaid, on the presentation of the coupons thereto annexed, representing such semi-annual instalments of interest.

Dated at Dover, the first day of July, A. D., 1889.

[GREAT SEAL.] Witness the Great Seal of the State of Delaware, and the hands of the Governor, Secretary of State and State Treasurer, the day and year aforesaid.

———, *Governor.*  
———, *Secretary of State.*  
———, *State Treasurer.*

And the coupon shall be in the following form to wit :  
No. ———.

The State of Delaware will pay to bearer at the Farmers' Bank of the State of Delaware, at Wilmington, on the first day of ——— A. D., ———, the sum of ——— dollars, for six months interest on bond No ———, loan of 1889, dated July 1, 1889.

———, *State Treasurer.*

Record of  
State  
Treasurer.

SECTION 2. It shall be the duty of the State Treasurer to provide a record of the proper size and proportions to be retained in his office, so ruled as to afford a separate space for each coupon, and a space at the top of each page of said record, for each bond when paid or redeemed, and each space at the top of said record shall bear the same number as the bond, a record whereof is intended hereby to be preserved.

## OF THE REVENUE OF THE STATE.

As the said coupons are paid it shall be the duty of the State Treasurer to mark the same in red ink across the face "paid;" To be marked in red ink and cut when paid. cut each of them in two lengthwise; and paste the pieces in the aforesaid space for such coupon, in the record aforesaid, and as the said bonds shall be paid or redeemed, the State Treasurer shall cause the same to be cancelled by making lines with red ink through the signatures of the Governor, Secretary of State and State Treasurer, and also by writing across the face thereof in red ink, the following words:

"This bond paid (or redeemed as the case may be), this —day of—A. D.,—by the payment of the sum of \$100 principal and—dollars interest, represented by coupon No.— by

—————*State Treasurer.*"

And all coupons unmatured and surrendered with each bond redeemed shall likewise be endorsed.

"Cancelled by the redemption of bond No. —" in red ink. When paid or redeemed the said bonds shall be pasted in the appropriate spaces in the record aforesaid, and all coupons paid or surrendered shall likewise be pasted in their appropriate space in such record. Bonds and coupons to be pasted and cancelled.

SECTION 3. The public faith is hereby expressly pledged for the full and complete payment of the loan, principal and interest by this act invited and authorized, and the bond hereby authorized to be issued or to secure the same, and that the said bonds shall be exempt from taxation by this State for any purpose, and the State Treasurer is hereby authorized and directed to cause all blanks in the form of the said bonds and coupons hereinbefore prescribed to be appropriately filled. Public faith pledged for the payment of the bonds. Bonds exempt from taxation in Delaware.

SECTION 4. That the proceeds of the sale of the bonds authorized by this act to be issued shall be paid by the State Treasurer to the Board of Trustees of the State Insane Asylum, their receipt to him being a full and complete voucher for said payment, to be applied by them in the purchase of the property named in the act creating said board. Proceeds how and to what purpose applied.

SECTION 5. That all expenses of preparing, issuing and delivering the bonds by this act authorized, shall be allowed to the State Treasurer and paid out of any unappropriated money in the Treasury, he producing and exhibiting the necessary vouchers therefor, as by law required with reference to other disbursement of public funds; and further, that the



## OF CLERK OF THE PEACE.

Secretary of State and State Treasurer shall respectively receive such compensation for the services to be rendered and performed by them under this act, as shall be allowed by the Legislative Committee at the session in January 1890, and such committee is hereby expressly authorized to make such allowances and draw drafts on the State Treasurer accordingly.

Legislative  
committee  
to pay State  
Treasurer  
and Secre-  
tary of State

*Passed at Dover, April 26, 1889.*

## CHAPTER 459.

## OF THE CLERK OF THE PEACE.

AN ACT to amend Chapter 16, Volume 18, Part 1, of the Laws of the State of Delaware.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

SECTION 1. That Section 1, of said Chapter 16, be and the same is hereby amended by striking out all of said section after the words "to wit" in the fifth line thereof and inserting the following words in lieu thereof, to wit: And he shall furnish to any Justice of the Peace in his county upon payment of the fee to the State as many licenses as he may desire. It shall not be lawful for any other person than such Clerk or Justice to dispense or distribute said licenses.

Justices of  
the Peace  
to be fur-  
nished with  
marriage  
licenses.

*Passed at Dover, March 18, 1889.*

## OF TELEGRAPH COMPANIES.

## CHAPTER 460.

## OF TELEGRAPH COMPANIES.

AN ACT taxing Telegraph Companies doing business in this State.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. That every individual, firm or corporation owning, maintaining, or operating any line or lines of telegraph or telephone within this State, shall be subject to taxation for the use of the State, in manner following, viz: Each such individual, firm or corporation shall annually, on the first day of July, commencing with the first day of July, A. D. 1889, pay to the State Treasurer for the use of the State, a tax of sixty (60) cents per mile, for the longest wire within the State; a tax of thirty (30) cents per mile for the next longest wire, and twenty (20) cents per mile for each and every other wire, owned, maintained and operated within the State, by each such individual, firm or corporation; and it shall be, and is hereby made the duty of every such individual, firm, or corporation, annually on the first day of June, commencing with the first day of June A. D. 1889, to make and deliver to the State Treasurer a statement in writing, verified by the oath of such individual or one of the members of such firm, or by the president, general manager or treasurer of such corporation, showing the whole number of miles of wire owned, maintained, or operated within this State by any such individual, firm or corporation, and also designating the length and location of the longest, and next longest wires of each, and in case of the refusal or omission of any individual, firm or corporation, to make and deliver such statement, the State Treasurer shall be and he is hereby authorized, empowered and directed to make an assessment of the tax hereby imposed, upon the best information he may be able to obtain, and adding to the sum of the tax so assessed a penalty of twenty-five per cent. and demand payment of the whole from the individual, firm or corporation so in default. *Provided* that the estimate so to be made by the State Treasurer in such case shall be final and conclusive on the party so in default.

Telegraph and telephone companies to pay taxes.

To pay taxes to State Treasurer after July 1, 1889  
Amount of tax.

Duty of corporations after June 1, 1889.

Statement under oath to be made and filed with State Treasurer.

Length of line to be stated.

Duty of State Treasurer upon failure to make statement.

SECTION 2. In case of the omission or refusal of any party

## OF EXPRESS COMPANIES.

Penalty for  
failure to  
pay tax.

State Treas-  
urer to dis-  
train and  
sell personal  
property.

hereby liable under this act, to pay the tax by this act im-  
posed, within thirty days after it is due, the State Treasurer  
shall be, and he is hereby authorized, empowered and di-  
rected to distrain upon any personal property of the party so  
in default, and having given notice in writing of such seizure  
and distress, to sell the said property so seized and distrained,  
on ten days notice, by advertisements posted in five public  
places of the county wherein such property shall have been  
seized.

*Passed at Dover, April 18, 1889.*

## CHAPTER 461.

## OF EXPRESS COMPANIES.

AN ACT Taxing Express Companies doing business in this State.

*Be it enacted by the Senate and House of Representatives  
of the State of Delaware in General Assembly met:*

Express  
companies  
subject to  
taxation.

Tax of 5 per  
cent on  
gross earn-  
ings had.

Companies  
to make  
statement  
under oath.

Who cap-  
able of  
making  
oath.

SECTION 1. That every express company, firm or indi-  
vidual doing an express business within this State, shall be  
subject to taxation for the use of the State in manner follow-  
ing, viz: Each such express company, firm or individual  
shall annually, on the first day of July, commencing on the  
first day of July, A. D., 1889, pay to the State Treasurer, for  
the use of the State a tax of five per centum of the gross  
earnings or receipts from business within the State of every  
such company, firm or individual so doing business in this  
State; and it shall be and is hereby made the duty of every  
such company, firm or individual annually on the first day of  
June commencing with the first day of June, A. D. 1889, to  
make and deliver to the State Treasurer a statement in writ-  
ing, verified by the oath of such individual or one of the  
members of such firm, or by the president, auditor or treasurer  
of any such company showing the total amount of gross  
earnings or receipts of such company, firm or individual,  
from the business done by it or them within this State.

SECTION 2. In case any express company, firm or indi-

## OF EXPRESS COMPANIES.

vidual doing an express business in the State of Delaware, shall fail or neglect to pay to the State Treasurer for the use of the State the annual tax imposed by the next preceding section for a period of thirty days after the same shall have become due and payable as hereinbefore provided, then and from thenceforth it shall be unlawful for such express companies, firm or individual so failing or neglecting to pay said annual tax for the period aforesaid to follow, prosecute or carry on its or his business within this State, and upon such failure or neglect to pay for the period aforesaid it shall be the duty of the State Treasurer and he is hereby directed and required to issue a proclamation announcing the failure or neglect of such express company, firm or individual to pay the tax required by this act within the period aforesaid, and further to announce in said proclamation that in consequence of such default or payment it has become unlawful for the said express company, firm or individual to carry on its business in the State of Delaware, and which said proclamation shall be printed in at least one newspaper published in each of the counties of this State for a period of two weeks. If after the publication of such proclamation for the period of two weeks as aforesaid any agent or officer within the State of Delaware of such express company, firm or individual so failing or neglecting to pay as aforesaid shall continue in the employment of such express company, firm or individual, or shall directly or indirectly aid or assist such express company, firm or individual in carrying on its business, then such agent or officer shall be deemed guilty of a misdemeanor, and upon conviction thereof by indictment shall be fined not less than one hundred dollars nor more than five hundred dollars, besides costs; and upon a second conviction for a like offense shall in addition to the fine and costs imposed by this section be imprisoned for a term of not less than six months nor more than one year.

Penalty for neglect or refusal to make statement.

Upon failure State Treasurer to issue proclamation announcing such failure Unlawful to carry on business after proclamation. To be printed in newspapers.

Persons in the employ of such company to be guilty and subject to fine.

Amount of fine.

SECTION 3. Any express company, firm or individual failing or neglecting to pay the tax required by this act within the period of 30 days as aforesaid, and has thereby under the provisions of this act forfeited its or his rights to carry on business within this State under the provisions of this act, upon the payment to the State Treasurer for the use of the State all arrearages of taxes together with twenty per centum addition on the amount in arrearage, shall be restored to its right to do business within this State; and when any such express company, firm or individual so failing to pay as afore-

The payment of arrearages of taxes to reinstate said company.

## OF EXPRESS COMPANIES.

Upon rein-  
statement  
of company  
State Treas-  
urer to issue  
proclama-  
tion.

said shall have paid all arrearages of taxes, together with twenty per centum in addition as required by this act then it shall be the duty of the State Treasurer and he is hereby directed and required to issue a proclamation announcing that such express company, firm or individual has paid all arrearages of taxes together with twenty per centum addition, and has thereby become restored to the right to do business in

Proclama-  
tion to be  
published in  
newspapers.

this State, which said proclamation shall be printed in at least one newspaper published in each of the counties of this State for a period of two weeks, and upon the publication of such last mentioned proclamation it shall be lawful for any person or persons to act as the agent or agents, or officers of an\* such express company, firm or individual so reinstated to do business in this State.

Unlawful to  
increase  
charges  
after the  
passage of  
this act.

SECTION 4. That it shall be unlawful for any express company, firm or individual doing an express business in this State after the passage of this act to charge or receive any greater or larger amount for the transportation of any matter or thing whatsoever than is now charged by such express company, firm or individual, for a like service. And if any agent or officer of any express company, firm or individual doing an express business within this State shall charge or receive for the transportation of any matter or thing whatsoever a greater or larger amount than was charged by such express company, firm or individual prior to the passage of this act for a like service, such agent shall be deemed guilty of a misdemeanor and upon conviction thereof by indictment shall be fined not less than one hundred dollars nor more than five hundred dollars besides costs, and for any second offense shall in addition to such fine and costs be imprisoned not less than six months nor more than one year.

Agent when  
deemed  
guilty.

Act not to  
apply to  
business  
conducted  
entirely in  
any city  
or town.

SECTION 5. That the provisions of this act shall in no wise apply to or affect and\* express company, firm or individual doing an express business wholly within any city or town of this State and whose transportation is done wholly by means of horses and wagons.

*Passed at Dover, April 25, 1889.*

\*So enrolled.

## OF VENDER OF GOODS BY SAMPLES.

## CHAPTER 462.

## OF VENDER OF GOODS BY SAMPLES.

AN ACT to amend an act entitled "An Act to Raise Revenue and Provide for the Current Expenses of the State Government,

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

That Volume 13, Chapter 117, Section 3, of the Laws of Delaware, being "An Act to raise revenue and provide for the current expenses of the State government" be and the same is hereby amended by striking out the words "For each license as a vender of goods, wares and merchandise by samples the sum of twenty-five dollars, unless such goods are manufactured in the State."

Vender of goods by sample exempt from taxation.

*Passed at Dover, Delaware, February 13, 1889.*

## CHAPTER 463.

## OF APPROPRIATION OF REVENUE.

AN ACT to amend Section 23, Chapter 5, Volume 18, Laws of Delaware, concerning an appropriation from the Oyster Fund for a certain road in Little Creek Hundred in Kent County.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. That Section 23, Chapter 5, Volume 18, Laws of Delaware be and the same is hereby amended by striking out the word "three" in the first line of said section and inserting in lieu thereof the word "four," and also by inserting after the word "land" in the seventh line of said section, the words "and also the road leading from what is known as 'the Smith Shop' in Mahon's River to the said road at a point near Indian Gut."

Section 23 of Chapter 5, Volume 18, amended.

*Passed at Dover, April 5, 1889.*

## OF VALUATION AND TAXATION OF PROPERTY.

## CHAPTER 464.

## OF VALUATION AND TAXATION OF PROPERTY.

AN ACT to exempt the Cherry Island Marsh from certain taxes.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

Cherry Is-  
land marsh  
and meadow  
lands ex-  
empt from  
taxation by  
Wilmington city.

Proviso.

SECTION 1. That all and every portion the marsh and meadow land of the "Cherry Island Marsh Company" a corporation of the State of Delaware situate within the corporate limits of the city of Wilmington be and the same are hereby declared to be exempt from all taxes and assessments laid by the said city of Wilmington for a period of ten years from the date of the passage of this act; and no taxes or assessments shall be levied or collected by said city, under and by virtue of the provisions of its charter, after the passage of this act until the expiration of the period aforesaid. *Provided however*, that should any portion of said land exempt as aforesaid, be used for manufacturing purposes within the said period of ten years then and in that case, so much of said land as may be actually used for manufacturing purposes shall be exempt as aforesaid for a period of only ten years from the date of its occupation and use as aforesaid, and thereafter said lands shall be subject to the same taxation as are other lands similarly located and not exempt.

SECTION 2. That all acts or parts of acts inconsistent herewith are hereby repealed.

*Passed at Dover, April 10, 1889.*

## OF VALUATION AND TAXATION OF PROPERTY.

## CHAPTER 465.

## OF VALUATION AND TAXATION OF PROPERTY.

AN ACT to exempt from Taxation certain Property in the Town of Newport and adjacent thereto.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. That the real estate of any person or persons, or body corporate within the limits of the town of Newport, or adjacent thereto, and each thereof between the Wilmington and Newport Turnpike and Christiana River so far as the road leading to and through the land known as Conrad's Marsh, but not exceeding five acres for any one owner, and upon which any manufacturing or other industrial improvements for the employment of labor, shall be erected after the passage of this act or any real estate upon which any buildings are already erected and which after the passage of this act shall be used for any manufacturing or industrial pursuit as aforesaid not before prosecuted or carried on therein shall be exempt for a period of ten years after the same shall be first assessable from assessment or taxation for State, county, road or municipal purposes.

Lands known as Conrad's Marsh exempt from taxation under certain contingencies.

*Passed at Dover, Delaware, April 1, 1889.*

## CHAPTER 466.

## OF VALUATION AND TAXATION OF PROPERTY.

AN ACT to exempt certain Marsh Lands in the City of Wilmington from Municipal Taxes.

WHEREAS, The expense of maintaining and keeping in Preamble. repair the banks and sluices of the marshes within the limits of the city of Wilmington have been and are now enormous (when compared with the value of, or the income from these



## OF VALUATION AND TAXATION OF PROPERTY.

unclaimed lands) by reason of said marshes being bounded by one or more tidewater streams requiring large banks of great strength and length to resist freshets and unusual high tides, which frequently break through and overflow such marsh lands; said banks are also subject to the swell caused by tug boats and steamboats in the navigation of said streams, and require large sums of money to keep them in proper repair,

AND WHEREAS, A number of years ago the limits of the city of Wilmington were extended, so as to include a large portion of these marshes, a part thereof to give the city a frontage on the Delaware River,

AND WHEREAS, Certain upland, suitable for the erection of dwelling houses and a large portion thereof now being built upon, has been brought within the limits of the said city of Wilmington, on the westerly side thereof, subject to a city tax, on only  $\frac{1}{8}$  of the valuation of such lands,

AND WHEREAS, This marsh land, which is used during the spring and summer months as pasture and hay land only, and not tillable, should have been exempted from municipal taxation, when said lands were brought within the city limits,

AND WHEREAS, The taxes heretofore assessed upon the said marsh lands by the said city of Wilmington, average about three and one-half dollars (\$3.50) per acre annually, and the rental income from said marsh land does not average four dollars (\$4.00) per acre, and when said banks are broken and the land overflowed, the growing crops and herbage are destroyed, and no profit is then derived from the lands,

AND WHEREAS, The said marsh land is assessed for city taxes at the average rate of four hundred and eighty-five dollars (\$485) per acre, at one-half rate, while the county assessment for the same marsh land situate in said city of Wilmington is at the average rate of one hundred and fifty-four dollars (\$154) per acre,

AND WHEREAS, The said banks of said marshes maintained by the owners thereof, protect the city of Wilmington, and numerous individual small land owners, who have erected dwelling houses on said marsh lands, and if said banks are not kept in proper repair, said houses will become immediately untenable and valueless, as said land would be entirely covered by water,

AND WHEREAS, It is wholly unjust and a burdensome exac-

## OF VALUATION AND TAXATION OF PROPERTY.

tion to tax said marsh to an amount equal to, if not exceeding, in some cases, the rental value thereof,

AND WHEREAS, It is a maxim of municipal law that property in a city shall pay a reasonable tax for the protection given it by the city, and from this is deduced the rule, that property that protects the city should not be taxed by it,

AND WHEREAS, It is all important to the lives, health and protection of the citizens of the city of Wilmington, that the owners of said marsh lands shall continue in the future, (as they have in the past) to keep up their banks, and to that end they should, in all justice and fairness, be exempted from all taxes and assessments heretofore levied upon them by the said city of Wilmington; therefore

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. That each and every acre, and all parts and portions of an acre, of the improved marsh and meadow lands within the limits of the city of Wilmington, except all such marsh and meadow lands within the limits of said city which have heretofore been exempted from taxation by act of General Assembly, be and the same are hereby declared to be exempt from all municipal taxes, assessments, burdens, and impositions of any kind or nature, whatsoever, for and during the period and term of ten years from and after the passage of this act; and no municipal tax shall be levied or collected by the said city of Wilmington, from the owner or owners of any part or parts of said marsh and meadow lands, during the period and term of ten years as aforesaid.

Low lands in the city of Wilmington exempt from municipal taxation for ten years.

*Passed at Dover, April 23, 1889.*

## TITLE FOURTH

## Of the General Election.

## CHAPTER 467.

## OF ELECTIONS.

AN ACT to change the place of holding the General Election in Blackbird Hundred.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

General  
election in  
Blackbird  
hundred,  
place of  
holding.

SECTION 1. That the place of holding the General Election in Blackbird hundred be and is hereby changed from the house formerly occupied as a tavern by Bassett Ferguson in the village of Blackbird, to the office of the road commissioners for Blackbird Hundred in the aforesaid village..

*Passed at Dover, March 22, 1889.*

## TITLE FIFTH.

## Of Certain Public Offices.

## CHAPTER 468.

## OF THE CLERK OF THE PEACE.

AN ACT to authorize the Clerk of the Peace of Kent County to procure a new seal of office.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. That Alfred H. Cahall, Clerk of the Peace in and for Kent County, be and he is hereby authorized to procure a new seal for his office, to be made of brass of the size of the one now in use, and engraved with the devices of the present seal, which said seal when completed shall be taken and deemed to be the seal of the Clerk of the Peace of Kent County in the State of Delaware, and shall thereafter be affixed to all writings, papers, and records, where the seal of said Clerk of the Peace is required and the present seal shall then be broken up and destroyed by said Clerk of the Peace.

New seal  
of office.

How en-  
graved.

Old seal to  
be de-  
stroyed.

SECTION 2. That the Levy Court and Court of Appeals of Kent County shall pay the necessary costs and expenses of procuring the said new seal.

Levy Court  
to pay  
expenses.

*Passed at Dover, January 23, 1889.*

## OF NOTARIES PUBLIC.

## CHAPTER 469.

## OF NOTARIES PUBLIC.

AN ACT authorizing the Governor to appoint an additional Notary Public for White Clay Creek Hundred, New Castle County.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

An additional Notary Public for White Clay Creek Hundred.

That the Governor be and he is hereby authorized to appoint an additional Notary Public for White Clay Creek Hundred to reside in the town of Newark in said hundred.

*Passed at Dover, February 19, 1889.*

## CHAPTER 470.

## OF NOTARIES PUBLIC.

AN ACT in relation to Notaries Public in the city of Wilmington and New Castle.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, as follows:*

SECTION 1. That from and after the passage of this act it shall be lawful and sufficient for any Notary Public appointed for and resident in any bank in the city of Wilmington or the city of New Castle, or any other Notary Public in either of said cities, to give notice of the non-acceptance, non-payment and protest of any bill of exchange, promissory note, check, draft or other negotiable instrument, by mailing said notice on the same day in which the protest was made, in the post-office at Wilmington or New Castle respectively according to the place of protest, directed to the address\* either place of business or place of residence, of the person sought to be charged by said notice.

Notaries in banks of Wilmington and New Castle.

May give notice by mail in said cities.

Notice, how directed.

\* So enrolled.

## OF NOTARIES PUBLIC.

SECTION 2. That said notice shall be deposited in the post-office in whichever of said cities said protest was made, in person by the Notary Public making the protest; to which fact the said Notary shall be able to make oath or affirmation if called upon so to do. Notary to mail said notice.

SECTION 3. That the expense of mailing said city notices shall be borne by the notary making the protest, and shall not be annexed to the costs of protesting. Cost of mailing.

SECTION 4. This act shall be deemed and taken to be a public act, and shall be printed among the Laws of this State.

*Passed at Dover, April 4, 1889.*

## CHAPTER 47I.

## OF NOTARIES PUBLIC AND COMMISSIONERS OF DEEDS.

AN ACT to amend Chapter XXXVI of the Revised Code, Laws of Delaware.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. That Section 4, Chapter 36, Revised Code, be and the same is hereby amended by inserting between the word "in" and the word "other" in line 2 of said Section 4, the following: "Or having a business office" in. Chapter 36 of Revised Code in relation to Notaries and Commissioners of Deeds.

*Passed at Dover, April 17, 1889.*

## OF NOTARIES PUBLIC.

## CHAPTER 472.

## OF NOTARIES PUBLIC.

AN ACT authorizing the appointment of a Notary Public for the "Creston Land and Improvement Company," et. al., at Wilmington, Delaware.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Notary  
Public for  
Creston  
Land and  
Improvement  
Company, et. al.

SECTION 1. That the Governor be and is hereby authorized to appoint a Notary Public for the "Creston Land and Improvement Company" and sundry other corporations having an office at No. 712 Market street, Wilmington, Delaware, whose privileges and duties shall be confined exclusively to the business connected with or transacted at said office.

Office when  
to become  
vacant.

SECTION 2. That the person so appointed Notary Public, under and by authority of this act, shall be an attache of the said office, and if at any time afterward and during the period whilst his commission as Notary Public would otherwise continue, said person shall cease to hold any position in said office, as an attache or employe, the commission of such person as Notary Public shall expire and be vacated, and the Governor shall appoint another person who shall be an attache or employe of the said office, in his stead as Notary Public.

How ap-  
pointed.

SECTION 3. That this act shall repeal all laws or parts of law so far as they may be inconsistent herewith, and be deemed a public act.

*Passed at Dover, April 25, 1889.*

OF NOTARIES PUBLIC.

CHAPTER 473.

OF NOTARIES PUBLIC.

AN ACT to enable the Governor to appoint two (2) additional Notaries Public for Wilmington Hundred, New Castle County.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch concurring):*

SECTION 1. That the Governor be and he is hereby authorized to appoint two additional Notaries Public for Wilmington hundred, New Castle County.

Governor to appoint two additional notaries for Wilmington.

*Passed at Dover, April 26, 1889.*

CHAPTER 474.

OF THE AUDITOR OF ACCOUNTS.

AN ACT to provide for the cancelling and filing of vouchers exhibited to the Auditor of Accounts.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. That it shall be the duty of the Auditor of Accounts to cancel with a cancelling stamp every voucher exhibited to and used by him at any settlement of accounts which he is required by law to make, and procure, for that purpose, a suitable stamping instrument, such as is commonly used in banking institutions for the cancelling of checks and notes.

Auditor to secure a cancelling stamp.

How used.

SECTION 2. That all vouchers exhibited to the Auditor of Accounts by the several County Treasurers, and used by said Auditor in settling with them, shall be returned, when cancelled as required by Section 1 of this act, to the said County

Vouchers of County Treasurers.



## OF AUDITOR OF ACCOUNTS.

How dis-  
posed of

Treasurers respectively, and that each County Treasurer shall preserve and file in his office the vouchers so cancelled and returned to him.

Duty of  
County  
Treasurer.

SECTION 3. That it shall be the duty of the Levy Court in each County to procure and place in the office of the County Treasurer a suitable case or receptacle for the filing and safe keeping of the vouchers cancelled and returned to the County Treasurers as required by Section 2 of this act.

*Passed at Dover, February 27, 1889.*

## CHAPTER 475.

## OF THE AUDITOR OF ACCOUNTS.

AN ACT to amend Section 3, Chapter 30 of the Revised Code.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met.*

Chapter 30,  
Section 3 of  
Revised  
Code relat-  
ing to  
Auditor  
amended.

SEC. 1. That Section 3 Chapter 30, of the Revised Code, be and is hereby amended by striking out in line 8 in said Section the word "Fall," and inserting in lieu thereof the word "Spring."

*Passed at Dover, April 25, 1889.*

## OF SECRETARY OF STATE.

## CHAPTER 476.

## OF SECRETARY OF STATE.

AN ACT in relation to Licenses to be Prepared by the Secretary of State.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. That it shall be the duty of the Secretary of State to cause all licenses, which he is required by law to prepare, to be bound in books of convenient thickness, similar to the longer check books in common use, each license to be attached to a stub of convenient size and divided from said stub by a perforated line. No book shall contain more than one kind of license and each stub shall have printed thereon the name or designation of the license attached thereto, and the words "issued to," "date of issue," and amount paid, followed by suitable blank spaces for the insertion of the name of the person taking the license, the date of issue and the amount paid for the same.

Secretary of State.  
Licenses how prepared by him.  
To be in books with stubs.  
What to be printed on stubs.

SECTION 2. That each Clerk of the Peace shall at the time of issuing any license, and before the delivery of the same, write upon the stub corresponding to said license, in the blank spaces appointed therefor, the name of the person to whom the license is issued, the date of issue and the amount paid for the same, and shall preserve the said stubs in his office.

Clerks of the Peace to fill blanks.

SECTION 3. That each Clerk of the Peace shall exhibit to the Auditor of Accounts, when settling with said Auditor, the stubs of all licenses so prepared and delivered by the Secretary of State, and issued by said Clerk of the Peace since his last settlement.

Auditor to have stubs exhibited to him.

SECTION 4. That this act shall take effect and go into operation on the first day of June, A. D. 1889, and after the said first day of June no license shall be issued by any Clerk of the Peace except those prepared with stubs and bound in book form as hereinbefore described; and all licenses, not so prepared and bound as aforesaid, that may be in the hands of any Clerk of the Peace on the said first day of June shall be returned to the Secretary of State and by him credited to the Clerk of the Peace so returning the same.

Act to go into effect when.  
Unlawful to issue licenses without stubs.

*Passed at Dover, Delaware, March 15, 1889.*

## OF THE PROTHONOTARY.

## CHAPTER 477.

## OF THE PROTHONOTARY.

AN ACT to authorize the Prothonotary of the Superior Court of the State of Delaware in and for Kent County to make new Indices of Judgment in his office and to use the Campbell System of Indices.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. That the Prothonotary of the Superior Court of the State of Delaware, in and for Kent County, be and he is hereby authorized and directed to make, or cause to be made, new and complete Direct and Reverse Indices of all the judgments in his office from the April Term, 1832 of said Superior Court, till the present time. In making said new Indices, he shall omit all judgments which have been satisfied upon the record, and he shall use the Campbell System of Indices; and he is hereby authorized to procure such books as shall be necessary and proper for that purpose, the cost of which shall be paid by the Levy Court of Kent County.

Prothonotary of Kent county to make new indices.

What judgments to be omitted. Campbell system to be used. Costs how paid.

SECTION 2. That James Pennewill and Henry R. Johnson be and they are hereby appointed commissioners, whose duty it shall be to examine such Indices after the same shall have been made as provided in Section 1 of this act; and if they approve of the correctness thereof, they shall so certify to the Levy Court of Kent County, and then and from thenceforth the said Indices shall become and be the Indices of judgments as aforesaid in said office.

Commissioners to compare the same.

To certify approval.

SECTION 3. That the Levy Court of Kent County shall pay to said Prothonotary and the said commissioners, a just and reasonable compensation for their services performed under this act.

Allowance to commissioners.

*Passed at Dover, Delaware, March 12, 1889.*

OF CONSTABLES.

CHAPTER 478.

OF CONSTABLES.

AN ACT authorizing the appointment of one additional constable in New Castle County.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. That the Levy Court of New Castle county be and the said Levy Court is hereby authorized and required to appoint one additional constable for New Castle County who shall reside in the city of Wilmington, in Wilmington Hundred, in said county. Said constable shall have all the powers and perform all the duties pertaining to the office of constable under the Laws of this State. The office of constable hereby created shall continue until this act shall be repealed and appointments thereto shall be made and vacancies filled in the same manner as provided in similar cases by the laws and constitution of this State.

Additional  
constable  
for New  
Castle county  
to reside  
in Wilmington.

*Passed at Dover, April 11, 1889.*

CHAPTER 479.

OF CONSTABLE AND JUSTICE OF THE PEACE.

An Act to amend Chapter 411, Volume 13, Laws of Delaware.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. That Chapter 411, Vol. 13, Laws of Delaware be and the same is hereby amended by inserting before the word "Dover" in the third line of Section 1 thereof the word "West," and by striking out in said third line the words "Each to reside in the town of Marydel."

Constable  
and Justice  
of the Peace  
in West  
Dover.

Place of  
residence.

*Passed at Dover, March 19, 1889.*

## OF JUSTICE OF THE PEACE.

## CHAPTER 480.

## OF JUSTICE OF THE PEACE.

AN ACT to enable the Governor to appoint an additional Justice of the Peace for New Castle County.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch thereof concurring therein.):*

Additional  
Justice of  
the Peace  
in New Cas-  
tle county.

Justice of  
the Peace  
office abol-  
ished.

SECTION 1. That the Governor be and he is hereby authorized to appoint an additional Justice of the Peace for New Castle County, who shall reside in St. Georges Hundred, and when the office of Justice of the Peace now held by John Vasey in and for St. George's Hundred, New Castle County, becomes vacant by resignation or otherwise the books, papers, records, and all things whatsoever appertaining to said office shall be delivered to the said Justice of the Peace who may be appointed under this act, and the office so held by the said John Vasey shall be abolished.

SECTION 2. That this act shall repeal all laws or parts of laws so far as they may be inconsistent herewith, and be deemed a public act.

*Passed at Dover, February 20, 1889.*

## CHAPTER 481.

## OF JUSTICE OF THE PEACE AND NOTARY PUBLIC.

AN ACT to appoint an additional Justice of the Peace for Broad Creek Hundred, Sussex County.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. That the Governor be and he is hereby auth-

OF JUSTICE OF THE PEACE.

authorized and empowered to appoint an additional Justice of the Peace for Sussex County, who shall reside at the town of Bethel, in Broad Creek Hundred; also to appoint said Justice of the Peace a Notary Public with all the privileges and powers relating to such office. <sup>Additional Justice of the Peace for Kent county.</sup>

SECTION 2. That this act shall be deemed a public act and shall repeal all laws or parts of laws so far as they may be inconsistent herewith.

*Passed at Dover, April 5, 1889.*

## TITLE SIXTH.

Of Religion, Public Education and Health.

### CHAPTER 482.

#### OF RELIGIOUS SOCIETIES.

AN ACT to amend an act supplementary to an act entitled, "An Act to Incorporate the Trustees of the Protestant Episcopal Church of the Diocese of Delaware."

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch thereof concurring):*

Section 2 of  
act to incor-  
porate the  
trustees of  
P. E. church  
amended.  
Trustees to  
be residents  
of the State.

Vacancies  
how created  
determined  
and filled.

SECTION 1. That Section 2 of said act be and the same is hereby amended by adding thereto the following: All trustees shall be actual residents of the State of Delaware, and the removal of a trustee from the said State shall create a vacancy. The existence of such vacancy shall be conclusively determined by a resolution to that effect, adopted by the Board of Trustees, and certified to the Diocesan Convention or to the Standing Committee when the convention is not in session and by the filling of the vacancy.

SECTION 2. This act shall be deemed and taken to be a public act and published as such.

*Passed at Dover, April 21, 1889.*

## OF FREE SCHOOLS.

## CHAPTER 483.

## OF FREE SCHOOLS.

AN ACT requiring the Superintendents of Public Schools to collect and tabulate certain Statistics relating to Public Schools.

WHEREAS, The President of the State Board of Education in his biennial report to the Governor and through him to this General Assembly sets forth the difficulties of collecting school statistics in the following language, viz: Preamble.

"There has been some difficulty in gathering and arranging statistics under the operations of the new law. This is due partly to the meager requirements of the law and partly to the fact that the incorporated boards are under no legal obligation to furnish any statistics to the county superintendents. It would be well if the provisions of the law could be made general so that there might be a uniform method of gathering statistics, comparing facts and reaching results."

Therefore, to meet the demands therein made,

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION I. That it shall be the duty of the county superintendents to issue circulars to the teachers, the clerks of the districts and secretaries of the school boards of the incorporated schools, of their respective counties asking for the information desired by the President of the State Board of Education that he may make report to the next General Assembly according to the following form: County Superintendents to issue circulars asking for information from clerks, &c.





## OF FREE SCHOOLS.

templated in Section 1, who shall refuse or fail to furnish the same, shall be liable to a fine of twenty dollars to be collected in the name of the State by like proceedings before any Justice of the Peace in the State as are had in the collection of sums of like amount. An appeal shall be allowed by the Justice of the Peace in all cases upon satisfactory security being given. *Provided* thirty days shall be allowed any teacher, clerk of any district, or secretary of any school board in which to answer the questions of the President of the State Board or either of the county superintendents.

Fine to be \$20.  
How collected.  
Justice to allow appeal.  
Thirty days to be allowed to answer questions.

SECTION 4. The State Board of Education may rearrange the form of the report as given in Section 1 of this act or they may add thereto in order to obtain fuller information concerning the school system of the State. The tabulated report shall designate the incorporated schools and also the consolidated schools by foot note references.

State Board to rearrange report.

SECTION 5. The President of the State Board of Education and the county superintendents shall make a separate report of the condition of the public schools in this state for colored people, obtaining the information in a manner similar to that provided for in this act for securing the information in relation to the schools for white children.

President of State Board and Superintendent to make separate report for colored schools.

*Passed at Dover, April 25, 1889.*

## CHAPTER 484.

## OF FREE SCHOOLS.

AN ACT to amend Chapter 16 of Volume 13 of the Laws of Delaware, published in the Revised Code as amended on page 215, and entitled, "An Act to provide for the Collection of Balances due the Free Schools by the School Committee," passed at Dover, February 9, 1886.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

That Chapter 16 of Volume 13 of the Laws of Delaware, published in the Revised Code as amended on page 215 and

Chapter 16 of Volume

## OF FREE SCHOOLS.

13 as published in Revised Code amended.

entitled "An Act to provide for the collection of balances due the Free Schools by the School Committee" passed at Dover, February 9, 1866, be amended by adding thereto the following as Section 2, to wit:

School district given power to sue in the name of the State.

SECTION 2. That each School District of this State may in the name of the District as provided for in Section 22, Chapter 42 of the Revised Code, sue for and recover in an action of debt any sum or sums of money due to said District, and may bring such action against any member of a late school committee of the district, or any other person whomsoever, who may have any money belonging to the district in his possession, or who may in any other manner be indebted to the district. This amendment shall have a retroactive effect so far as the remedy herein provided is concerned.

This amendment to have a retroactive effect.

*Passed at Dover, Delaware, February 8, 1889.*

## CHAPTER 485.

## OF FREE SCHOOLS.

AN ACT to amend the act entitled "An Act in relation to the collection of taxes for school purposes," passed at Dover, April 4th, 1881.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Act in relation to the collection of school taxes amended.

SECTION 1. That the act entitled "An Act in relation to the collection of taxes for school purposes, passed at Dover, April 4th, 1881, published in the Sixteenth Vol. of Delaware Laws, page 372, be and the same is hereby amended by striking out the word "May" in line seven of Section 1 of said act, and being the last word in said line seven of Section 1, and by inserting in lieu thereof the word "June"; and that said act be further amended by striking out the word "May" in line 2 of Section 2 of said act and being the last word in said line two of Section 2 and by inserting in lieu thereof the word "June."

The word May struck out and June inserted in sections 1 and 2.

*Passed at Dover, March 14, 1889.*

## OF FREE SCHOOLS.

## CHAPTER 486.

## OF FREE SCHOOLS.

AN ACT to authorize School District No. 37, Mill Creek Hundred, New Castle County, to use their surplus money and to borrow four hundred dollars for the erection of a new school-house.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. That the School Commissioners of School District No. 37, Mill Creek Hundred, New Castle County, and their successors in office are hereby authorized and empowered to use, for the erection of a new school-house, all of the surplus money belonging to said district in the hands of the commissioners at the time of the annual school meeting in April, A. D. 1889; and the said commissioners, or their successors in office, are hereby further authorized, directed and empowered to borrow, upon such terms and conditions as in their discretion they may think best, the sum of four hundred dollars to be used also for the erection of said new school-house in connection with the said surplus; and the said school commissioners or their successors in office are hereby authorized, directed and empowered to secure the payment of the said sum of four hundred dollars, together with the interest thereon; that for the purpose of securing to the loaner or loaners the payment of the money so borrowed under the provisions of this act, the said school committee and their successors in office are hereby authorized and empowered to make, execute and deliver the bond of the said school district with warrant of attorney for the confession of judgment thereon, and also a mortgage upon any or all real estate owned by the said school district at the time of the execution thereof, which bond and mortgage shall be signed by the school committee, and shall be sealed by the seal of the said school district; said bond and mortgage shall be made to become due and payable in annual installments of one hundred dollars each, with the accrued interest on the whole sum unpaid, and shall bear interest not exceeding the legal rate.

School commissioners of district 37 New Castle authorized to use surplus to build school house.

Commissioners authorized to borrow money to erect school house and secure payment thereof.

Authorized to execute a bond and mortgage on property of district.

Bond and mortgage how signed and sealed.

How paid.

SECTION 2. That the said commissioners and their successors in office are hereby authorized and empowered to use the surplus money belonging to said district in the hands of the commissioners at the time each of said installments

Surplus in hands of committee to be used to pay installments.

## OF FREE SCHOOLS.

Commis-  
sioners may  
levy and  
collect addi-  
tional tax.

becomes due, for the purpose of paying such installment and the interest thereon; and if such surplus should be insufficient to pay the installment as aforesaid then the said commissioners or their successors in office are hereby authorized and empowered to levy and collect (in addition to the tax for carrying on the schools directed to be levied at the stated meeting) such sum as shall be necessary to meet each and every such deficiency.

Money to be  
expended  
under su-  
pervision of  
school com-  
mittee.  
Accounts &c  
to be pre-  
sented at  
school  
meeting.

SECTION 3. That the money borrowed under the authority of Section 1 of this act shall be expended by the authority and under the supervision of the commissioners, who shall present their accounts, together with vouchers, to the school voters of said district at the annual meeting of said voters for settlement.

This act to  
be sub-  
mitted to  
school  
voters.  
Majority to  
determine.

SECTION 4. That the said school commissioners, or their successors in office, after due notice has been given, shall submit this act to the legal school voters in said district at any annual meeting thereof, and when a majority vote of the legal school voters present at said meeting has been given in its favor, then the said school commissioners shall be fully authorized and empowered to carry out the provisions of this act, and not before.

*Passed at Dover, March 15, 1889.*

## CHAPTER 487.

## OF FREE SCHOOLS.

AN ACT authorizing School District Number Six in New Castle County to borrow money and for other purposes.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Commis-  
sioners of  
district No.  
6 vested  
with power  
to borrow  
money to

SECTION 1. That the school committee of School District Number Six in New Castle county and their successors be and they are hereby vested with full power and authority to borrow the sum of twenty-five hundred dollars for the purpose

## OF FREE SCHOOLS.

of erecting a new school building in said district and furnish-<sup>erect school</sup> ing the same and for the purpose of purchasing an half acre of <sup>house.</sup> ground in addition to that already owned by said district. <sup>To purchase</sup> <sup>land.</sup> *Provided however* that the legal school voters of said district at a meeting at the school-house therein which shall be held <sup>School vot-</sup> on the first Saturday of April next between the hours of two <sup>ers to de-</sup> o'clock and five o'clock in the afternoon, may by a majority <sup>termine</sup> thereof present determine whether a less amount than the <sup>amount to</sup> sum of twenty-five hundred dollars shall be borrowed by the <sup>be raised.</sup> said school committee for the purposes aforesaid. If the said voters at said meeting shall by a majority of the votes cast decide that a sum less than twenty-five hundred dollars <sup>Commis-</sup> shall be borrowed for the purposes aforesaid, then the said <sup>sioners only</sup> school committee and their successors shall have power to bor- <sup>to borrow</sup> row only the amount so determined. The said school committee <sup>what voters</sup> shall give written notice of such meeting at least five days <sup>determine is</sup> before the day of such meeting posted in at least five of the <sup>necessary.</sup> most public places in said district. Such notice shall state <sup>Written no-</sup> the objects of the meeting. <sup>tice to be</sup> <sup>given of</sup> <sup>meeting</sup> <sup>stating the</sup> <sup>object.</sup>

SECTION 2. That for the purpose of securing to the loaner or loaners the payment of the money so borrowed under the provisions of this act, with interest thereon, the said school committee and their successors are hereby authorized and empowered to make, execute and deliver the bond of the said school district with warrant of attorney for the confession of judgment thereon, and also a mortgage upon any or all real estate owners\* by the said school district at the time of the execution thereof, which bond and mortgage shall be signed by the said school committee and shall be sealed by the seal of the said school district. Such bond and mortgage shall be made to become due and payable in annual installments of three hundred dollars each with the accrued interest on the whole sum unpaid and shall bear interest not exceeding the legal rate. <sup>Commis-</sup> <sup>sioners un-</sup> <sup>authorized to</sup> <sup>give bond &</sup> <sup>mortgage.</sup> <sup>Bond and</sup> <sup>mortgage to</sup> <sup>be signed by</sup> <sup>commis-</sup> <sup>sioners and</sup> <sup>sealed with</sup> <sup>seal of</sup> <sup>district.</sup> <sup>Payable in</sup> <sup>annual in-</sup> <sup>stallments.</sup>

SECTION 3. That the school committee aforesaid be and they are hereby authorized and empowered to purchase an half acre of ground in addition to the ground already owned by school district number six aforesaid. The deed for this ground shall be taken in the name of the school district. <sup>Deed for</sup> <sup>land pur-</sup> <sup>chased to be</sup> <sup>taken in the</sup> <sup>name of the</sup> <sup>district.</sup>

SECTION 4. That the said school committee and their successors be and they are hereby authorized and empowered to lay out and expend in the purchase of the aforesaid half acre of land or furniture, or for the erection of a school building

\* So enrolled.

## OF FREE SCHOOLS.

aforesaid or other expenses pertaining to carrying this act into effect any balance due the said school district after the annual meeting and settlement of accounts of the school committee aforesaid next after the passage of this act.

To assess  
additional  
taxes.

SECTION 5. That for the purpose of raising the funds necessary to pay the money authorized to be borrowed by this act with its interest, the said school committee and their successors are hereby further authorized, empowered and directed to annually assess, levy and collect a sufficient amount to pay each installment of said bond and mortgage with interest until the whole sum of money so secured with the interest thereon is paid.

SECTION 6. That the faith of the said district and the annual dividend from the school fund belonging to said district are hereby pledged for the payment of the money which may be borrowed under this act.

SECTION 7. That the said school committee and their successors are hereby required to procure a common seal for the use of said school district with such device thereon as said committee may determine.

*Passed at Dover, March 12, 1889.*

## CHAPTER 488.

## OF FREE SCHOOLS.

AN ACT for the relief of School District Number Six, Brandywine Hundred.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

School Dis-  
trict No. 6,  
New Castle.

Commis-  
sioners au-  
thorized to  
purchase  
land.

SECTION 1. That the School Commissioners of School District Number Six, Brandywine Hundred, New Castle County, and their successors, be and they are hereby authorized and empowered to acquire, purchase and hold in the name of the school district, an half acre of land in addition to the half acre allowed by law.

## OF FREE SCHOOLS.

SECTION 2. This act shall not, in any event, authorize or empower the commissioners of the aforesaid school district to acquire, purchase or hold, at one time, more than one acre of land. Not authorized to hold more than one acre.

*Passed at Dover, April 18, 1889.*

## CHAPTER 489.

## OF FREE SCHOOLS.

AN ACT for the relief of School District Number 98, New Castle County.

WHEREAS, It appears by the last settlement of the School Commissioners of School District Number 98, New Castle County, that there is a balance in the hands of the said commissioners due the said district; and Preamble.

WHEREAS, There is now a debt upon the ground and buildings of the said school district, therefore

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. That the commissioners of said School District Number 98, New Castle County, and their successors, be and they are hereby authorized and empowered to appropriate and use out of the balance aforesaid, the sum of two hundred and ten dollars and forty-two cents, for the payment and liquidation of the aforesaid debt now upon the ground and building of the said school district. Commissioners of district No. 98, New Castle county authorized to appropriate money to pay debt of district.

SECTION 2. That the commissioners aforesaid shall pay and liquidate the said debt at the time of holding their next annual meeting after the passage of this act. Debt to be paid at next school meeting.

*Passed at Dover, February 19, 1889.*



## OF FREE SCHOOLS.

## CHAPTER 490.

## OF FREE SCHOOLS.

AN ACT to consolidate the Public Schools of Townsend, Del.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two thirds of each branch of the Legislature concurring as follows):*

School districts Nos. 81 and 81½, New Castle county consolidated by the name of Townsend public schools.

SECTION 1. That on and after the first Saturday of April, A. D. 1890, the United School Districts Nos. 81 and 81½, in New Castle County, as now bounded or as they may hereafter be bounded, shall form one united school district by the name of the "Townsend Public Schools," and shall be governed by a Board of Directors to be composed of seven members who shall be elected as hereinafter provided.

To be governed by commissioners. Board of directors now constituted and elected.

SECTION 2. That the "Board of Directors" of the said Townsend Public Schools shall be constituted as follows: The two present commissioners of each of the said districts No. 81 and 81½ whose terms of office will not expire on the first Saturday of April, A. D. 1890, shall be members of the said "Board of Directors" until the time for which they were elected shall have expired; two members of the said "Board of Directors" shall be elected by the school voters at the annual election to be held on the first Saturday of April, A. D. 1890, that is to say the school voters of School District No. 81 shall at said annual election elect one member of the said "Board of Directors," and the school voters of the said School District No. 81½ shall also at said annual election elect one member of the said "Board of Directors," which two member of the said Board of Directors so elected on the first Saturday of April, A. D. 1890, shall serve for the term of three years, the remaining member of said board shall be elected by the other six members of the said board at the first meeting of the said board, which shall be held on the first Monday after the first Saturday of April, A. D. 1890, and annually thereafter, and who shall serve for the term of one year, and thereafter the school voters in said united district comprising Districts No. 81 and 81½ shall meet at the school-house in District No. 81, or in such other place as the said board may appoint on the first Saturday in April in each year, at two o'clock P. M., and hold an election for two

Elections to be held on the first Saturday in April in each year.

## OF FREE SCHOOLS.

members of said "Board of Directors" who shall serve for the term of three years; in case of a tie vote at any election the presiding officer of such election shall give an additional vote.

SECTION 3. That a majority of the board shall form a quorum, and any vacancy occasioned by non-election, death, resignation, or otherwise, shall be filled by said board at any stated meeting for the whole or residue of the term as the case may be; and if any member of the board, or any person elected a member thereof shall absent himself from its stated meeting for three successive sessions without sufficient cause the board may at its option declare his place vacant, and may fill such vacancy as herein provided.

Majority of board to form a quorum. Vacancies how filled.

SECTION 4. That the members of said board shall be a corporation by the name of the Board of Directors of the Townsend Public Schools, and by that name they and their successors shall have perpetual succession and shall have and possess all the powers, rights and privileges and franchises of a corporation necessary and proper to establish and maintain good schools for the education of all the children within the district aforesaid, that are by law entitled to be educated in the public school and shall have full control of all the real and personal property that now belongs or that may hereafter belong to the said united district or to either of the districts constituting the said united district and may in the name aforesaid maintain, prosecute and defend all suits in law or equity which may be necessary to protect the property of the said districts or to carry into effect the provisions of this act.

Board to be a corporation.

Objects of said corporation.

To have control of school property.

May defend suits at law and equity.

SECTION 5. All school property real and personal owned by the district named in the first section of this act or by either of them shall become and be the property of the united school districts created by this act and the said "Board of Directors" of the "Townsend Public Schools" and their successors shall have power at any time or times hereafter to grant, bargain and sell alien and dispose of any property real or personal belonging to the united district created by this act and shall also have power to purchase, take and hold to them and their successors other property real and personal. *Provided* that the said corporation created by this act shall not purchase, take and hold any more property real or personal than shall be necessary and proper for the establishment and maintenance of good public schools in said united district.

Board of directors to have power to sell and purchase property.

Proviso.

SECTION 6. The said "Board of Directors" shall annually on the first Monday after the first Saturday in April in every

Annual meeting of board.

## OF FREE SCHOOLS.

Organiza-  
tion.

Members to  
be sworn to  
perform  
their duties.

Officers of  
board how  
and when  
elected.

Stated  
meetings to  
be held  
monthly.

Collector of  
taxes and  
treasurer.

The board  
to appoint  
all officers  
and teach-  
ers and fix  
compensa-  
tion.

May admit  
non-resi-  
dents to  
school.

No pupil to  
be admitted  
unless 6  
years of age

Members of  
board must  
visit schools

State divi-  
dends how  
drawn.

year meet at such place as the said board may determine at 7 o'clock P. M., and after a temporary organization shall first proceed to elect the member provided for in Section 2 of this act; and in case of a tie vote the temporary chairman shall cast an additional vote, and before transacting any other business the newly elected member present shall be sworn or affirmed to perform their duties as members faithfully which oath or affirmation may be administered by any other member of the board. The board shall then be organized for the year by the election of one member thereof as president and the election of a secretary who may or may not be a member of the board. The board shall also hold stated meetings once every month and special meetings at the call of the president or a majority of the board. The board shall also have power to appoint a collector of taxes and also a treasurer, both of whom may be required to give bond with security for the faithful performance of their duties in such sums as the said board may determine. The treasurer may also be the secretary, and the treasurer and collector may or may not be members of the board. The board shall also have power to appoint all other officers, agents and teachers that may be necessary, and to fix their compensation and to make by-laws, rules and regulations for their own government and the government of their officers, agents and teachers and for the schools. The board shall have power and authority to admit to the said schools pupils who are non-residents of the said united district upon such terms as they may think right and proper; and all monies derived from the tuition of such non-resident pupils shall be paid to the said board or to the treasurer thereof for the use of said united district. No pupil shall be admitted into the said public school whether a resident or non-resident of the said united district who shall be under the age of six years. Each of the schools in the said united district shall be visited at least once during every month, while they are in session, by one or more members of the said board.

SECTION 7. That the said board shall have the right to draw the dividends from time to time which the several districts named in Section 1 of this act shall be entitled to as their part of the state school fund by an order signed by the president and attested by the secretary; and shall have power to fix such sum in addition thereto as the said board may deem necessary to educate all the children in the said united district who are entitled to be educated in the public schools; and to assess, levy and collect the same as school taxes now or may

## OF FREE SCHOOLS.

hereafter be by law: *Provided* that the sum to be assessed, levied and collected under this act shall not in any year be less than Four Hundred dollars nor more than One Thousand dollars.

Amount of tax to be levied and collected annually.

SECTION 8. As soon as conveniently may be after the organization of the board of directors provided for in this act the said board shall settle the accounts of the two districts hereby consolidated respectively, and all cash on hand belonging to either of the said districts shall be paid over to the treasurer of the said board of directors, and all taxes unpaid at the time of the organization of the board of directors shall be collected in the same manner as if this act had not been passed and paid over to the treasurer of the said board and the said board shall have power to enforce such collection and payment.

Accounts of the two districts consolidated to be settled.

Cash on hand to be paid to treasurer.

Uncollected taxes how disposed of.

SECTION 9. All the provisions of the general laws regulating free school in this state shall be applicable to the united district created by this act so far as they are not inconsistent with the special provisions hereof; and the said board shall have all the power granted to school committees and commissioners, be subject to all the restrictions imposed on them, and perform all the duties required of them by the laws of this State not inconsistent with the provisions of this act.

General school taxes applicable to these consolidated districts.

*Passed at Dover, April 23, 1889.*

## CHAPTER 491.

## OF FREE SCHOOLS.

AN ACT to transfer the farm of Benjamin F. Duncan from School District No. 99 of New Castle County, to District No. 33, same county.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

SECTION 1. That the farm of Benjamin F. Duncan now situated in School District No. 99, in New Castle County, be

Boundary of School

## OF FREE SCHOOLS.

District 33,  
Sussex Co.,  
enlarged.

and the same is hereby transferred from said district No. 99 to school district No. 33 of said county.

SECTION 2. That from and after the passage of this act, the aforesaid farm shall be assessed for school purposes and shall be entitled to all the rights and privileges of said School District, No. 33, in New Castle county.

SECTION 3. That this act shall be deemed and taken to be a public act.

*Passed at Dover, Apr. 25, 1889.*

## CHAPTER 492.

## OF FREE SCHOOLS.

AN ACT to amend, renew and re-enact the act entitled "An Act to create a new school district in New Castle County" passed at Dover, April 17th, 1885.

Preamble. WHEREAS, By Section 2 of the act entitled "An Act to create a new school district in New Castle county" passed April 17th, 1885, the duties required of the commissioners therein appointed, as to the locating and building a school house for said district not having been complied with through neglect, or by reason of the removal of two of the commissioners from the district and the provision made in said act for filling vacancies in such an event, it is believed is rendered void by thus failing to proceed within the time stated. Further enactment is thereby made necessary in order to attain the object sought by said act; therefore,

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, as follows:*

Commis-  
sioners  
names  
stricken out  
and others  
substituted.

SECTION 1. That Section 2 of the act referred to, in preamble hereto, be and the same is hereby amended by striking out the names of Wm. S. Lednum, J. Frank Eliason and Henry Barnet and inserting in their stead the names of W. J. Eliason, J. Frank Eliason and David W. Colpitts.

## OF FREE SCHOOLS.

SECTION 2. That the said act entitled "An act to create a new school district in New Castle county" passed at Dover, April 17th, 1885, as the same is altered and amended by Section 1 of this act, be and the same is hereby renewed, re-enacted and continued in effect as completely as though the same were now first enacted; and the commissioners named and designated in Section 1 of this act shall have and exercise all the powers and authority bestowed by said act as fully and completely as though no action had been heretofore taken to exercise such power.

Act creating  
new  
district re-  
newed and  
re-enacted.

SECTION 3. That this act shall be a public act.

*Passed at Dover, March 27, 1889.*

## CHAPTER 493.

## OF FREE SCHOOLS.

AN ACT for the relief of "The Public Schools of Milford, Kent County."

WHEREAS, The secretary of the annual school meeting of "The Public Schools of Milford, Kent County," held in April, A. D. 1888, failed to forward a copy of the transactions of said annual school meeting within the time specified by law, and

Preamble.

WHEREAS, By the failure of said secretary "The Public Schools of Milford, Kent County," have been deprived of their proportion of the money appropriated and set aside by the Trustee of the School Fund; therefore

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

SECTION 1. That the Trustee of the School Fund be and he is hereby authorized and directed to pay to the Treasurer of "The Public Schools of Milford, Kent County," the full sum of money that the said consolidated districts would have been entitled to, had they fully complied with the requirements of the law.

Trustees of  
school fund  
authorized  
to pay Mil-  
ford public  
schools cer-  
tain moneys

*Passed at Dover, January 23, 1889.*

## OF FREE SCHOOLS.

## CHAPTER 494.

## OF FREE SCHOOLS.

AN ACT entitled an act for the relief of School District No. 129 Kent County.

**Preamble.** WHEREAS, There is in the treasury of School District No. 120, in Kent county, one hundred and fifty dollars (\$150) over and above the running expenses of the school for the current year.

WHEREAS, There is now a debt of one hundred and fifty dollars on the new school-house in said district.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

**SCHOOL COMMITTEE EMPOWERED TO APPROPRIATE MONEY TO PAY DEBT.** SECTION 1. That the commissioners of said school district No. 129, Kent County, be and they are hereby authorized and empowered to appropriate and use the said sum of one hundred and fifty dollars now in the treasury of said school district for paying the said debt on new school-house in the said district.

*Passed at Dover, Delaware, February 8, 1889.*

## CHAPTER 495.

## OF FREE SCHOOLS.

AN ACT to transfer a part of School District No. 88, Kent Co., to United School Districts Nos. 11 and 81, Kent Co.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

**PART OF SCHOOL DISTRICT NO. 88 TRANSFERRED.** SEC. 1. That all that part of School District No. 88, in Kent County, lying within the limits of the town of Leipsic, be and the same is hereby transferred to, and shall constitute

## OF FREE SCHOOLS.

a part of United School Districts Nos. 11 and 81, in Kent<sup>to districts</sup> County, and which shall only be subject to taxation in said<sup>Nos. 11 & 81</sup> United School Districts Nos. 11 and 81.

SEC. 2. That this act shall be deemed and taken to be a public act.

*Passed at Dover, Delaware, February 8, 1889.*

## CHAPTER 496.

## OF FREE SCHOOLS.

AN ACT to establish a Board of Education for the town of Camden, and to incorporate the same, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two thirds of each branch concurring therein,) as follows:*

SECTION 1. That school districts Nos. 22 and 99 in Kent<sup>School Dis-</sup> county as now bounded or as they may hereafter be bounded, <sup>tricts Nos.</sup> be and they are hereby declared incorporated into one con-<sup>22 and 99</sup> solidated district, to be governed and managed by a board of<sup>incorporat-</sup> education, consisting of five members to be elected as herein-<sup>ed and con-</sup> after provided.<sup>solidated.</sup>

SECTION 2. That from and after the passage of this act, there shall be established in and for said consolidated districts<sup>Board of</sup> a board of education to be styled Camden Board of Public<sup>education</sup> Education, whose design and purpose shall be the direction,<sup>established.</sup> management and superintendence of the public education of the children in said consolidated districts between the ages of six and twenty-one years.

SECTION 3. That the following named citizens of the said consolidated districts viz.: Geo. H. Gildersleve, Webster D. Learned, E. W. Cooper, A. K. Baggs and Wm. Ellison, and their successors as hereinafter provided, shall constitute the said board, and under the name and style aforesaid shall be and they are hereby created a body politic and corporate for<sup>Who to</sup>  
<sup>constitute</sup>  
<sup>said board.</sup>



## OF FREE SCHOOLS.

Board to have full power to establish plan of education.

May suspend teachers and make by-laws.

May fill vacancies.

May purchase land for said districts.

Seal.

the purposes aforesaid, and as such shall have full power and authority to devise, establish and modify from time to time a plan and system of education for the children between the ages aforesaid in the said consolidated districts and to superintend the same; and to appoint, suspend and remove teachers and provide school-houses; to make by-laws, rules and regulations for their own government and for the government of the teachers and schools under their superintendence; to designate and elect officers of the said board, and to fill vacancies in any manner howsoever caused, until the next election of members of the board; and to take and acquire, receive, hold and enjoy for the purposes aforesaid moneys and real and personal estate, by bargain and sale, gift, grant, contract, devise or bequest, and that they as such body corporate, and by the name and style aforesaid, may sue and be sued, plead and be impleaded in any court of or law equity in this State or elsewhere, and have a common seal with power to alter the same, and otherwise generally shall be clothed with all the rights, powers and privileges incident to corporations and necessary or convenient for carrying out the purposes of this act.

First election under this act.

Subsequent elections.

When held.

Organization of board.

Place of holding election.

SECTION 4. That the persons named as corporators in this act shall constitute the board of public education until the first Saturday in April, A. D. 1889, or until their successors are duly elected and qualified. The first election for the members of the board of education shall take place on the first Saturday in April, A. D. 1888, at which two persons shall be elected to serve for the term of one year, two for the term of two years, and one for the term of three years, and on the first Saturday in April annually thereafter an election shall be held to fill vacancies caused by the limitations to the terms of office prescribed, or in any manner whatsoever. The election shall be held in the afternoon, the polls opened at 2 o'clock or within thirty minutes thereafter and close at 4 o'clock. The members shall not receive pay or emolument, nor be allowed any compensation for their services, except the secretary, who may be allowed an amount not exceeding ten dollars in any one year, at the discretion of the board. The board shall meet on the Monday following and organize by the election of a President and Secretary from their number and a Treasurer who may or may not be a member of the board. The offices of Secretary and Treasurer may be held by the same person. The board shall appoint the place for holding the annual or any special election, and give notice thereof five days previous to the time of holding said election

## OF FREE SCHOOLS.

by notice under the signature of the Secretary of the board, <sup>Notice of</sup> posted in five public places in the consolidated district. The said board shall appoint an inspector of said election (not one of their number) who shall preside thereat; the Secretary of said board may act as clerk of said election. Certificates of the result of the election, signed by the inspector and clerk, shall be made out immediately after counting the votes and a certificate as aforesaid given to each of the persons elected. <sup>Certificates of election to be given to persons elected.</sup> The board shall be the judges of the election and qualification of its members, who must in addition to being qualified voters of said district, have paid a school tax within the year preceding the election and must have been elected by voters of the said consolidated district having the same qualifications. <sup>Who may be members and who may vote.</sup> A plurality of votes shall elect; a majority of said board shall constitute a quorum. <sup>A plurality to elect.</sup>

SECTION 5. That if any person not having a right to vote at any election held under this act shall vote at such election, or if any inspector shall knowingly take the vote of a person not having the right to vote or shall neglect or refuse to make out and deliver certificates of the result of any election as required by the next foregoing section, any such person, inspector or assistant inspector, shall forfeit and pay twenty dollars to be adjudged on indictment and conviction in the Court of General Sessions in and for Kent county, and to be paid to the board of public education aforesaid for the benefit of the schools under its charge. <sup>Penalty for illegal voting.</sup> <sup>Fines to be paid to board of education.</sup>

SECTION 6. That the board of public education shall depute one of their number to settle with the Auditor of the State. They shall also within ten days after settlement with the State Auditor in every year cause to be posted in some public place within the district a full report of their accounts during the year, setting forth aggregates under their appropriate heads. <sup>To settle with the Auditor.</sup>

SECTION 7. That the said board of education shall have power to sell either at public or private sale and either for cash or upon credit, as they may deem best, and to convey by good and sufficient deed any real estate now belonging to said School Districts Nos. 22 and 99, and to purchase a site and suitable school building or buildings, or to purchase a site and erect thereon a new school building or buildings for the use of the aforesaid consolidated district. <sup>Board of education may sell property of said district.</sup>

SECTION 8. That it shall be lawful for the said board of

## OF FREE SCHOOLS.

Board may purchase site for new school-house.

May borrow money.

Amount borrowed not to exceed \$5,000.

How paid.

education and they are hereby authorized and empowered to use in the purchase of a suitable site and school building or buildings for the aforesaid consolidated district any money or moneys that may be in the hands of any of the officers of the aforesaid consolidated districts Nos. 22 and 99, and to borrow a sum of money, which together with the surplus money, and the sum or sums of money arising from the sale of the present school property (if the same shall be sold) as hereinbefore authorized to be made, shall be equal to the entire cost of the said site and the building or buildings so authorized to be bought or erected thereon. *Provided, however,* that the sum so borrowed as aforesaid does not exceed the sum of five thousand dollars, and the same be made payable in ten equal annual installments and to be secured by bond or bond and mortgage bearing interest at a rate not exceeding six per cent. per annum upon the property of said district signed by the President and Treasurer of said board of education and sealed with the corporate seal.

Taxes how levied and collected.

Not exceeding \$800 to be raised in one year.

Power of board in relation to collecting taxes.

SECTION 9. That it shall be lawful for the said board\* education to levy and collect, in the manner as State and county taxes now are, or may hereafter be levied and collected, such additional sums of money as will be sufficient to pay off the annual interest and installments mentioned in the next foregoing section of this act. The said board of education shall have power and authority to levy and collect as school taxes are now or may hereafter be levied and collected such further sums of money as shall in their judgment be sufficient to carry on the schools in the said consolidated district. *Provided* that the sum so raised for school purposes in any one year shall not exceed the sum of eight hundred dollars.

SECTION 10. That the board of public education shall have the same power and authority in collecting taxes as are given to commissioners of public schools in this State, and shall have the right to draw dividends from time to time made and entered to the credit of school districts Nos. 22 and 99 upon an order drawn by the president and attested by the secretary.

Each member to be sworn before entering on duty.

SECTION 11. That each member of the board of public education before entering upon the duties of his office shall take an oath or affirmation to perform the same diligently and faithfully according the best of his knowledge and judgment; such oath or affirmation may be administered by the president

\*No enrolled.

## OF FREE SCHOOLS.

of the board or by any member thereof as well as by any officer authorized by the laws to administer oaths or affirmations.

SECTION 12. That the treasurer before entering upon the duties of his office shall give bond to the said board with sufficient and satisfactory security for the faithful application of all moneys which may come into his hands as treasurer of said board. Treasurer  
to give bond

SECTION 13. That this act shall be and continue in force for the term of twenty years from and after its passage and that all laws or parts of laws which conflict with the same or any of its provisions be and the same are hereby repealed so far as they affect school districts Nos. 22 and 99 in Kent County.

*Passed at Dover, Delaware, February 13, 1889.*

## CHAPTER 497.

## OF FREE SCHOOLS.

AN ACT to authorize School District No. 59 in Kent County to raise by taxation a sufficient amount of money to discharge the indebtedness against the same.

WHEREAS, The General Assembly at its last session passed an act authorizing School District No. 59 in Kent county to borrow the sum of five hundred dollars for the purpose of constructing a new school-house therein in lieu of the one which had been previously destroyed by fire; and, Preamble.

WHEREAS, The commissioners of said district in good faith borrowed said sum of five hundred dollars for such purpose and jointly pledged themselves as individuals for the payment of the same, which they expended in the erection of a new school-house in said district in accordance with the provisions of said act; and,

WHEREAS, Said commissioners were authorized by said act to raise by taxation a sufficient amount of money to pay off

## OF FREE SCHOOLS.

one-third of said debt with the interest on the whole or any unpaid part thereof every year until the whole thereof was fully paid; and

WHEREAS, Said act was lost and never appeared among the published laws of the session of 1887, which leaves the said committee without authority to levy and collect a tax for the purpose of paying off said indebtedness; therefore

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Additional  
money may  
be raised to  
pay off debt

That for the purpose of paying off said indebtedness contracted in behalf of the construction of said new school-house in said district No. 59, in Kent County, there shall be assessed, levied and collected in said school district in the same manner as the taxes for general school purposes are, a sum of money equal to one-third of the said sum of five hundred dollars, with interest on the whole, or any unpaid part thereof, in each of the years 1889, 1890, and 1891; which money when so raised shall be appropriated to the payment of said indebtedness against said school district and shall be in addition to the amount now required by law to be raised therein for general school purposes.

*Passed at Dover, February 25, 1889.*

## CHAPTER 498.

## OF FREE SCHOOLS.

AN ACT to change the line in part between School Districts Nos. 23 and 61 in Kent County.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Bounds of  
School Dis-  
tricts Nos.  
23 and 61  
extended.

SECTION 1. That the farm of Thomas H. Longfellow now in tenure of himself, be and shall hereafter be included within the bounds of School District No. 61, in Kent County, and shall form a part thereof.

*Passed at Dover, February 26, 1889.*

## OF FREE SCHOOLS.

## CHAPTER 499.

## OF FREE SCHOOLS.

AN ACT to amend the act entitled "An Act to incorporate the Board of Education of the Dover Public Schools, passed at Dover, February 26th, 1877," and also to authorize the Board of Education of the Dover Public Schools to sell and convey certain property belonging to it on Governor's Avenue in the town of Dover.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch of the Legislature concurring,) as follows:*

SECTION 1. That the act entitled "An Act to incorporate the Board of Education of the Dover Public Schools" passed at Dover, Feb'y 26th, 1877, be and the same is hereby amended in line thirteen, Section two, by striking out the word "two" occurring between the word "for" and "members" in said thirteenth line of Section two of said act, and by inserting in lieu thereof the word "three"; and that the said act be further amended by striking out the words "once every week" occurring in the fourth line of Section eight of said act, and by inserting in lieu thereof the words "from time to time as occasion may require."

Act incorporating  
Dover  
schools  
amended.

SECTION 2. That if the school voters of the school districts comprising the Dover Public Schools shall at the annual stated meeting to be held on the first Saturday of April in the present year, 1889, or at any annual stated meeting to be thereafter held, determine by a majority of the school voters present at said annual stated meeting that the school-houses and the lot of land on which the same stand situated on the west side of Governor's Avenue in the town of Dover, Kent County and State of Delaware, ought to be sold, then that the Board of Education of the Dover Public Schools shall have power to sell, either at public or private sale, and either for cash or upon credit, or partly for cash and partly on credit, and to convey by good and lawful deed or deeds of conveyance to the purchaser or purchasers in fee simple the lot of land and buildings thereon erected now belonging to the Dover Public Schools situated on the west side of Governor's Avenue and running through to New Street in the said town of Dover, and the money arising from the sale thereof after

School voters to determine whether to sell school-house on Governor's Avenue.

## OF FREE SCHOOLS.

Disposition of money from sale. deducting all proper expenses shall be used for the benefit of the Dover Public Schools either in erecting additions to the new school-house on New street in the town of Dover, or in improving the same, or towards the liquidation of the indebtedness against the Dover Public Schools, or in any other manner as the Board of Education of the Dover Public Schools may deem most advantageous for the said Dover Public Schools.

Duty of secretary of school board. SECTION 3. It shall be the duty of the Secretary of the Board of Education of the Dover Public Schools in giving the notices required by law for the stated annual meetings to be held on the first Saturday in April in the present year 1889, to state in said notices that the question of the sale of the property on Governor's Avenue belonging to the Dover Public Schools will be brought up for consideration and action by the school voters at said stated meeting.

*Passed at Dover, March 12, 1889.*

## CHAPTER 500.

## OF FREE SCHOOLS.

AN ACT in relation to School District No. 56, in Kent Co.

Preamble. WHEREAS, There is in the treasury of School District No. 56, in Kent County, the sum of two hundred\* (\$200.00) dollars over and above the running expenses of the school for the current year; therefore

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Commissioners authorized to expend surplus to pay debt. SECTION 1. That the commissioners of said School District No. 56, of Kent county, be and they are hereby authorized and empowered to appropriate and use the sum of one hundred and fifty\* (\$150.00) dollars of said surplus money now in the treasury for the purpose of repairing their old school-house or building a new school-house in said district.

*Passed at Dover, March 20, 1889.*

\*So enrolled.

## OF FREE SCHOOLS.

## CHAPTER 501.

## OF FREE SCHOOLS.

AN ACT to transfer the farm of John T. Moore from School District No. 29, in Kent County, to School District No. 87.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:* That the farm and premises of John T. Moore, <sup>Farm of John T. Moore transferred to district 87</sup> now situated and lying in School District No. 29, in Kent county, be and the same is hereby transferred to School District No. 87, in said county, and shall hereafter constitute a part of the said latter-named district.

SECTION 2. *Be it enacted by the authority aforesaid,* That from and after the passage of this act the aforesaid farm and premises shall be assessed for school purposes in said School District No. 87, in Kent county, and not in School District No. 29. <sup>To pay taxes in district No. 87.</sup>

*Passed at Dover, April 2, 1889.*

## CHAPTER 502.

## OF FREE SCHOOLS.

AN ACT to transfer the farm of Patterson C. Bradley from School District No. 115 to School District No. 15 Kent County.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. That the farm of Patterson C. Bradley, now situated and being in School District No. 115, in Kent County, be and the same is hereby transferred, and shall hereafter constitute a part of School District No. 15 in Kent County aforesaid. <sup>Patterson C. Bradley's farm transferred to District No. 15.</sup>

SECTION 2. That from and after the passage of this act



## OF FREE SCHOOLS.

Disposition of money from sale. deducting all proper expenses shall be used for the benefit of the Dover Public Schools either in erecting additions to the new school-house on New street in the town of Dover, or in improving the same, or towards the liquidation of the indebtedness against the Dover Public Schools, or in any other manner as the Board of Education of the Dover Public Schools may deem most advantageous for the said Dover Public Schools.

Duty of secretary of school board. SECTION 3. It shall be the duty of the Secretary of the Board of Education of the Dover Public Schools in giving the notices required by law for the stated annual meetings to be held on the first Saturday in April in the present year 1889, to state in said notices that the question of the sale of the property on Governor's Avenue belonging to the Dover Public Schools will be brought up for consideration and action by the school voters at said stated meeting.

*Passed at Dover, March 12, 1889.*

## CHAPTER 500.

## OF FREE SCHOOLS.

AN ACT in relation to School District No. 56, in Kent Co.

Preamble. WHEREAS, There is in the treasury of School District No. 56, in Kent County, the sum of two hundred\* (\$200.00) dollars over and above the running expenses of the school for the current year; therefore

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Commissioners authorized to expend surplus to pay debt. SECTION 1. That the commissioners of said School District No. 56, of Kent county, be and they are hereby authorized and empowered to appropriate and use the sum of one hundred and fifty\* (\$150.00) dollars of said surplus money now in the treasury for the purpose of repairing their old school-house or building a new school-house in said district.

*Passed at Dover, March 20, 1889.*

\*So enrolled.

## OF FREE SCHOOLS.

## CHAPTER 501.

## OF FREE SCHOOLS.

AN ACT to transfer the farm of John T. Moore from School District No. 29, in Kent County, to School District No. 87.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:* That the farm and premises of John T. Moore, now situated and lying in School District No. 29, in Kent county, be and the same is hereby transferred to School District No. 87, in said county, and shall hereafter constitute a part of the said latter-named district. Farm of John T. Moore transferred to district 87

SECTION 2. *Be it enacted by the authority aforesaid,* That from and after the passage of this act the aforesaid farm and premises shall be assessed for school purposes in said School District No. 87, in Kent county, and not in School District No. 29. To pay taxes in district No. 87.

*Passed at Dover, April 2, 1889.*

## CHAPTER 502.

## OF FREE SCHOOLS.

AN ACT to transfer the farm of Patterson C. Bradley from School District No. 115 to School District No. 15 Kent County.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. That the farm of Patterson C. Bradley, now situated and being in School District No. 115, in Kent County, be and the same is hereby transferred, and shall hereafter constitute a part of School District No. 15 in Kent County aforesaid. Patterson C. Bradley's farm transferred to District No. 115.

SECTION 2. That from and after the passage of this act

## OF FREE SCHOOLS.

To pay taxes in School District No. 115 the aforesaid farm shall be assessed for school purposes in School District No. 15, in Kent County, and is hereby relieved and discharged from the same in School District No. 115 in said county.

SECTION 3. That this act shall be deemed and taken to be a public act.

*Passed at Dover, April 10, 1889.*

## CHAPTER 503.

## OF FREE SCHOOLS.

AN ACT to authorize School District No. 59 in Kent County to expend certain moneys in hand toward the payment of the debt against said district.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Commissioners authorized to expend surplus to pay debt. SECTION 1. That the school commissioners of said school district No. 59, in Kent County, be and they are hereby authorized and empowered to expend such portion of the surplus funds in their hands as they may deem necessary toward the payment of the debt against said school district, contracted in behalf \*the erection of a new school-house therein, in lieu of the one previously destroyed by fire.

SECTION 2. *And be it further enacted, by the authority aforesaid:*

To make a full report to Auditor of Accounts That the said school commissioners of said school district shall make a full report of the amount of the moneys applied under this act to the auditor of accounts at the annual settlement of the expenditure of the money authorized to be expended by this act.

*Passed at Dover, April 17, 1889.*

\*So enrolled.

## OF FREE SCHOOLS.

## CHAPTER 504.

## OF FREE SCHOOLS.

AN ACT to enable School Dist. No. 100 in Kent County to use so much of school funds of said district as may be required to rebuild their school-house.

WHEREAS, There is in the hands of the commissioners of School Dist. No. 100, in Kent County, one hundred and fifty-one dollars and eleven cents unappropriated; and whereas, the school-house in said district has been recently destroyed by fire, and the tax-payers are unable to build another in lieu of the house destroyed as aforesaid; and whereas, the unappropriated funds in the hands of said commissioners will not be needed to defray the current expenses of maintaining a school in said district, now therefore,

Preamble.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

SECTION 1. That the commissioners, viz., Alexander Blades, John T. Laramore and Isaac Wyatt, together with James Porter and Waitman Hopkins, sr., of said School District No. 100, in Kent County, be and they are hereby constituted a building committee and are hereby authorized and empowered to expend in the erection and furnishing of a new school-house in said district No. 100, from any monies that are now or may hereafter come into the hands of said commissioners of said district No. 100, in Kent County, from taxes levied or dividend received from trustee of school fund for year eighteen hundred and eighty-nine for school purposes. *Provided* that such amount shall not exceed the sum of three hundred dollars.

Building committee appointed to build a new school-house.

SECTION 2. That the building committee hereby constituted shall at the next annual school meeting in said school district No. 100 make a report of their proceedings and the monies expended in the erection and furnishing of said new school-house; and further, the school commissioners of said district No. 100 at that time shall make a full report of all monies expended under the provisions of this act to the Auditor of Accounts in their annual settlement, who shall allow the amount of money so expended.

To settle at next meeting of school voters.

*Passed at Dover, April 19, 1889.*

## OF FREE SCHOOLS.

## CHAPTER 505.

## OF FREE SCHOOLS.

AN ACT authorizing Alexander Jackson to pay certain monies in his hands to the Camden Board of Public Education.

Preamble. WHEREAS, The ancient incorporation known as the Camden Union Academy has ceased to exist, and by the direction of all the members now known to be living the real estate has been deeded to United School Districts Nos. 22 and 99 of Kent County, now incorporated as the "Camden Board of Public Education."

AND WHEREAS, There is still in the possession of Alexander Jackson, late treasurer of the said academy incorporation now defunct, certain money or monies, arising from the rents of the real estate so deeded to the school districts as aforesaid, without any authority or provision for their use or payment to any person; therefore,

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch concurring therein):*

SECTION 1. That Alexander Jackson late treasurer of Camden Union Academy as aforesaid, be and he is hereby authorized and empowered to pay over all money or moneys or any other of personal property now in his possession, which has come to or been received by him as the treasurer of "Camden Union Academy" to the "Camden Board of Public Education" of Camden, Kent County, Delaware.

SECTION 2. That upon settlement of the amounts or property in hand of said Alexander Jackson, late treasurer as aforesaid, he shall pay over and transfer the same to the treasurer of the "Camden Board of Public Education," as aforesaid, taking his receipt for the same, which receipt shall be a full release of all and every responsibility or liability of the said Alexander Jackson, treasurer, &c., as aforesaid in the premises.

*Passed at Dover, April 23, 1889.*

OF FREE SCHOOLS.

CHAPTER 506.

OF FREE SCHOOLS.

AN ACT to authorize the Commissioners of School District No. 29 of Kent County to use surplus money to build new school-house.

*Be it enacted by the Senate and House of Representatives\* in General Assembly met:*

SECTION 1. That George W. Luff, Frank Meredith and John Clark, commissioners of School District No. 29 of Kent County, be and they are hereby authorized to expend the surplus money now in hand to the amount of two hundred and sixty dollars and sixty-one cents in the building and furnishing a new school-house in said district. Commissioners to expend surplus.

SECTION 2. *Be it further enacted,* That they are authorized to sell, either at public and\* private sale the old school-house, and apply the money received from such sale to the erection of said new school-house. Authorized to sell old school-house.

SECTION 3. *Be it further enacted,* That they, the said commissioners named in Section 1 of the\* act, be and they are required to make a full report of all their business transactions with said district, No. 29, at the next annual school meeting, and then through their legally authorized agent to the Auditor of Accounts, at Dover, at their next settlement. To settle with district and Auditor

SECTION 4. *Be it further enacted,* That this shall be a public act.

*Passed at Dover, April 25, 1889.*

\*So enrolled.

## OF FREE SCHOOLS.

## CHAPTER 507.

## OF FREE SCHOOLS.

AN ACT to authorize United School Districts Nos. 3, 175 & 175½, in Sussex County, to use their surplus money for the erection or purchase of new School Buildings for said Districts.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Commis-  
sioners em-  
powered to  
use surplus  
to erect  
school-  
house.

SECTION 1. That the School Commissioners of United School Districts Nos. 3, 175 & 175½, in Sussex County, and their successors in office are hereby authorized and empowered to use all of the surplus money belonging to said districts in the hands of the commissioners at the time of the annual school meeting in April, 1889, for the erection of a new school-house for said districts, or if the said school commissioners shall think proper they are hereby authorized and empowered to purchase, take and hold any building or buildings now erected within the limits of said districts, with the lot or lots of land upon which the same may be located; and also to repair or change the said buildings so as to make them suitable and convenient as a school building or buildings for the use of said districts.

Authorized  
to purchase  
building  
now erected  
in said  
district.

Commis-  
sioners au-  
thorized to  
sell school  
property.

Act to be  
submitted  
to the voters  
of districts.

SECTION 2. *Be it further enacted,* That the school commissioners of said United Districts are hereby authorized and empowered to sell the school property and buildings now belonging to the said districts whenever they may deem it for the interest and advantage of said districts so to do; *Provided,* the said school commissioners after due notice has been given shall submit this act to the legal school voters in said districts at any annual meeting, and when a majority vote of the legal voters present at said meeting has been given in its favor then the said school commissioners will be fully empowered to carry out the provisions of this act and not before.

*Passed at Dover, January 31, 1889.*

## OF FREE SCHOOLS.

## CHAPTER 508.

## OF FREE SCHOOLS.

AN ACT transferring the farm belonging to Effie G. Barker, and situated in consolidated School Districts Nos. 3, 175 and 175½ in Sussex County, from said consolidated School Districts Nos. 3, 175 and 175½ to School District No. 117 in said county.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1st. That the farm and mansion now belonging to Effie G. Barker, situated in consolidated School Districts Nos. 3, 175 and 175½ in Sussex County, shall hereafter be and form part of School District No. 117, in Sussex County, aforesaid.

*Farm of  
Effie G.  
Barker  
transferred  
to district  
117.*

SECTION 2nd. That all and every the persons residing on the said land and farm herein mentioned, and all persons who may hereafter reside thereon, shall enjoy all the advantage and privilege, and that the said Effie G. Barker, and the person or persons hereafter owning said land and farm, or living on the same, shall be subject to all the duties and liabilities of taxables of said School District No. 117; and further, that they are hereby relieved and discharged from the same in said consolidated School Districts Nos. 3, 175, and 175½, in Sussex County, aforesaid.

*Owner and  
tenant to  
enjoy all  
advantages  
of district  
117.*

SECTION 3d. This act shall be deemed and taken to be a public act.

*Passed at Dover, Delaware, February 5, 1889.*



## OF FREE SCHOOLS.

## CHAPTER 509.

## OF FREE SCHOOLS.

A SUPPLEMENT to an act entitled "An Act to consolidate School Districts Nos. 70, 70½, 102 & 102½ in Sussex County and for other purposes, passed at Dover, March 17th, 1875.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch concurring therein):*

Commissioners may levy in addition to that allowed by law \$1000

Proviso.

Voters to decide.

Vote to be by ballot.

SECTION 1. That the Board of Commissioners of United School Districts Nos. 70, 70½, 102 and 102½, in Sussex County, incorporated under the name of the "Seaford Public Schools" be and they are hereby authorized and empowered to assess, levy and collect in the same manner, as now provided by law, the sum of one thousand dollars, in addition to the sum or sums now authorized by law, for the purpose of erecting additional school buildings and furnishing the same.

*Provided* that the said sum of one thousand dollars shall not be assessed, levied and collected by the said commissioners until the persons entitled to a vote in the said united school districts shall have decided by a majority of the votes cast at a stated election held on the first Saturday in April in any year, in favor of assessing, levying and collecting the said sum of one thousand dollars.

SECTION 2. That the vote shall be taken by ballot, and shall be in the following form: "For Improvement" or "Against Improvement," and if a majority of the votes cast shall contain the words "For Improvement" the board of commissioners shall assess, levy and collect the said additional sum of one thousand dollars.

SECTION 3. That this act shall not authorize the collection of more than the sum of one thousand dollars.

*Passed at Dover, Delaware, February 7, 1889.*

## OF FREE SCHOOLS.

## CHAPTER 510.

## OF FREE SCHOOLS.

AN ACT to authorize the "Trustees of the Georgetown Academy" and "Franklin Lodge No. 12, Georgetown, Delaware," to sell the Academy and Masonic Hall and the lots appurtenant thereto.

WHEREAS, The Academy and Masonic Hall and the lots appurtenant thereto, situated in Georgetown, county of Sussex, and State of Delaware, now belonging to the "Trustees of the Georgetown Academy" and "Franklin Lodge No. 12, Georgetown, Delaware," were purchased and erected with the proceeds of a lottery authorized for the purpose by an act of Assembly of this State; and <sup>Pream'ble.</sup>

WHEREAS, The building having been rendered unfit for school purposes by reason of the proximity of the Delaware, Maryland and Virginia Railroad, has been neglected and is now greatly out of repair; and

WHEREAS, The superior advantages afforded by the public schools of Georgetown have deprived the academy of its patrons so that, by reason of the premises, the citizens of Georgetown and the members of Franklin Lodge No. 12, are desirous of having the building and lots sold and the proceeds of the sale equally divided between Franklin Lodge No. 12 and the Georgetown public schools,

*Now therefore be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring herein):*

SECTION 1. That William H. Boyce, James H. Maull, George C. Calhoun, Charles T. Purcell, Alfred P. Robinson, Caleb R. Layton, Charles F. Richards, Wilber F. Tunnell and Alfred C. McGill, being the "Trustees of the Georgetown Academy," together with "Franklin Lodge No. 12, of Georgetown, Delaware," be and they are hereby authorized and empowered to sell the said Academy and Masonic Hall and the lots appurtenant thereto at public sale to the highest bidder or bidders, and to make, execute and deliver to the purchaser or purchasers thereof good and sufficient deeds of bargain and sale, which, when executed in their corporate <sup>Trustees of Georgetown Academy authorized to sell said academy and give deeds.</sup>

## OF FREE SCHOOLS.

names and under their corporate seals, shall convey to the purchaser or purchasers thereof in fee simple all the right, title and interest of the said Trustees of the Georgetown Academy and Franklin Lodge No. 12, of Georgetown, Delaware, in said building and lots.

Proceeds how applied SECTION 2. The building and lots may be sold in such allotments and on such terms as to the said trustees and Franklin Lodge No. 12 shall seem proper. The proceeds of said sale shall be equally divided between the said Franklin Lodge No. 12 and the public schools of Georgetown. If the property is sold wholly or in part upon credit, separate securities shall be taken for the respective moieties of the unpaid purchase money in the name of the corporations to which each moiety belongs. The security for the moiety belonging to the Georgetown public schools shall be taken and given to them in the corporate name, to wit: "The Board of Commissioners of the Public Schools of Georgetown, Sussex County." The moneys received from said sale by the board of commissioners of the Georgetown public schools shall be applied by them to the payment of the public school bonds of said town, and they shall require from their treasurer bond with security in sufficient amount to cover the proceeds of the sale so received by them.

*Passed at Dover, Delaware, February 8, 1889.*

## CHAPTER 511.

## OF FREE SCHOOLS.

AN ACT uniting the School Districts of Laurel and vicinity.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch concurring):*

Laurel school districts consolidated. SECTION 1. That on and after the first Saturday in April of the present year, to wit: one thousand eight hundred and eighty-nine, (1889), the School Districts Nos. 46, 133 and 182, in the county of Sussex, as now bounded or may here-

## OF FREE SCHOOLS.

after be bounded, shall form one United School District and shall be governed and managed by a Board of Public Education consisting of nine members to be elected or appointed as hereinafter provided.

SECTION 2. That John H. Elliott, William T. Records, John C. Rodney, Joshua H. Marvel, Thomas H. Riggin, Merrill H. Tilghman, Isaac J. W. Adams, Daniel J. Fooks and John R. Wilson shall constitute and form the Board of Education of said United Districts, and they and their successors shall be and they are hereby created a body politic and corporate under the name and style of the Commissioners of the Public School of the Town of Laurel and vicinity of the county of Sussex and State of Delaware. The Board of Commissioners shall have the direction and superintendence of the public education of children in said United Districts between the ages of six and twenty-one years, and for that purpose shall have full power and authority to establish and from time to time to alter and modify a plan and system of education for children between the ages aforesaid, in the said United Districts, and to superintend the same, to appoint, suspend and remove teachers, and provide school-house, to make by-laws, rules and regulations for their own government, and for the government of teachers and schools under their superintendence, to designate and elect officers of the said Board and to fill vacancies in the said Board in whatever manner caused, until the next election for members of the Board, and to take and acquire, receive, hold and enjoy for the purposes aforesaid, moneys and real estate and personal estate by bargain and sale, gift, grant, contract, devise or bequest and by the name aforesaid, may sue and be sued, plead and be impleaded in the courts of this State or elsewhere, may have a common seal with power to alter the same and otherwise generally shall be clothed with all the rights, powers and privileges incident to corporations and necessary for carrying out the purposes of their creation. The commissioners shall receive no compensation for their services.

SECTION 3. That the terms of office of the Board of Education or corporators appointed by the foregoing section of this bill shall be as follows: The first three names to serve for the term of one year, the next three to serve for the term of two years, and the remaining three to serve for the term of three years or until their successors are elected. Their successors to be elected by the school voters of said United

Board of  
education a  
corporation.

Board of  
commis-  
sioners to  
have charge  
of public  
education.

Commis-  
sioners may  
remove  
teachers.

May fill  
vacancy  
in board.

May take,  
hold and  
enjoy  
money or  
real estate.

Terms of  
commis-  
sioners.

Successors  
how elected

## OF FREE SCHOOLS.

Districts, at a regular school meeting on the first Saturday in April of the year in which their term expires.

First election of commissioners under this act.

Time of election.

Notice of election.

Inspectors appointed.

Oath of inspector.

Oath how administered.

Inspectors to appoint clerks.

Certificates of election.

Who are qualified voters.

SECTION 4. The school voters of the said United School Districts shall meet on the first Saturday of April, A. D. 1890, and on the first Saturday of April in each and every year thereafter at the school-house, and shall elect three commissioners to serve for the term of three years and until their successors be duly chosen and qualified, and shall likewise elect commissioners to fill all vacancies for the unexpired term. The election shall be held in the afternoon and the polls shall be opened at 2 o'clock or within thirty minutes thereafter and closed at 4 o'clock. The board shall give ten days notice of said election and of the day, hour and place of holding the same, and of the Inspectors appointed by them to hold the same, and of the number of commissioners to be elected thereat, by written or printed handbills posted in ten of the most public places in said United School Districts. They shall appoint at least ten days before holding said election, and\* Inspector and an Assistant Inspector who shall preside thereat. The Inspectors shall not be members of the Board of Commissioners, and shall before opening the polls, each take an oath or affirmation as follows: "I, ———, do solemnly swear, or affirm, that in holding the election this day for members of the Board of Commissioners of the public schools of the Town of Laurel and vicinity, in the county of Sussex and State of Delaware, I will faithfully and impartially discharge my duty and make true certificates of the result thereof and deliver the same according to law, so help me God," or "so I solemnly affirm." This oath may be administered by the Inspector, Assistant Inspector, a Justice of the Peace or a Notary Public. The Inspector shall appoint two clerks, one to be appointed by the Inspector and the other by his assistant, who shall keep true and correct lists of the persons voting at said elections. The Inspectors shall as soon as the polls have closed proceed to count the votes and ascertain the result and shall immediately upon ascertaining the result of said election, make out and sign certificates thereof, and shall deliver without delay one of said certificates to the Secretary of the Board of Commissioners, one to each of the persons elected, and one other to the Clerk of the Peace of Sussex County to be kept as a public record; every person residing within the said United School Districts and having a right to vote for representatives

\*So enrolled.

## OF FREE SCHOOLS.

in the General Assembly (and having paid his school tax for the preceding year) shall be a school voter of said United School Districts. And if any person not being so qualified shall vote at any meeting of school voters therein he shall be deemed guilty of a misdemeanor and shall be fined fifteen dollars. <sup>Penalty for illegal voting.</sup> If a voter is objected to the inspectors must unite in rejecting it or the vote shall be accepted. If any one who shall be appointed by the Board of Commissioners either Inspector or Assistant Inspector shall neglect or refuse to serve as such Inspector or Assistant Inspector without rendering an excuse to be accepted by the board, he shall forfeit and pay to the said board the sum of five dollars, to be recovered by the board in an action before a Justice of the Peace. If the board shall fail to appoint an Inspector or Assistant Inspector, or both, ten days before said election, or if the Inspector or Assistant Inspector, or both, shall be absent from the place of election at the time of opening the same the school voters there shall proceed forthwith without ballot to choose from the voters present either an Inspector or Assistant Inspector or both as the case may be. <sup>Voters may choose inspectors in the absence of those appointed.</sup> If the Board of Commissioners shall in any year fail to give written or printed notice of said election, as required herein, the school voters of said united districts shall, notwithstanding said failure, meet on the day and at the time and place herein appointed and proceed to elect inspectors and commissioners as herein provided in case of notice duly given. <sup>Voters to meet and elect when commissioners fail to give notice.</sup> If any Inspector or Assistant Inspector, or both of them, shall knowingly take the vote of a person not having the right to vote, or shall neglect or refuse to make and deliver certificates, or the result of an election as required herein, he or they shall be guilty of a misdemeanor and shall forfeit and pay fifty dollars, to be adjudged on an indictment and conviction and to be paid to the Board of Commissioners aforesaid for the benefit of the schools under their charge. <sup>Penalty for neglect of duty by Inspector.</sup>

SECTION 5. The commissioners shall meet annually in the place where the election was held on the Monday following the election at 10 o'clock in the forenoon and organize the board by the election of a president and secretary, who shall be members of the board, and shall hold stated meetings once every month and special meetings when required by the president or a majority of the commissioners, and by a committee or otherwise, shall visit all the schools in the district once a month while the schools are in session. <sup>Commissioners to meet and organize annually.</sup> A majority of the board shall form a quorum and any vacancy occasioned by death, resignation or otherwise shall be filled by the board, <sup>Stated meetings. Majority of commissioners to be a quorum. Vacancies how filled.</sup>

## OF FREE SCHOOLS.

by choosing commissioners to serve till the next annual election and until their successors be duly elected and qualified. *Provided however*, that no one shall be a commissioner who is not a qualified voter of said united districts, and if anyone having been elected a commissioner shall then be, and shall after cease to be a qualified voter of said united districts he shall thereupon cease to be one of the commissioners aforesaid. *Provided further however*, that if any one shall remove from the said united districts he shall thereupon *ipso facto* cease to be a commissioner and his office of commissioner shall be vacant. *And provided further however*, that all vacancies must be ascertained and declared by a two-thirds vote of the other members of said board. The commissioners shall be sworn by each other faithfully and impartially to perform their duties as members of said board.

Removal  
from dis-  
trict to  
forfeit office

Vacancies  
how ascer-  
tained.

Treasurer  
to be ap-  
pointed and  
give bond.

Treasurer  
to pay  
money on  
orders of  
the board of  
commis-  
sioners.  
School  
dividends  
how drawn.

Amount to  
be levied  
and raised  
by taxation.

Statement  
of receipts  
and expen-  
ditures to be  
published  
in paper  
or papers.

SECTION 6. The board shall appoint a treasurer who shall be a member of the board and shall take his bond with sufficient security for the faithful performance of his duties, and said bond shall be for an amount sufficient to cover twice the amount of money that is likely to go into his hands as treasurer of said board of education, and all moneys or funds belonging to, raised or contributed for the use and benefit of said united districts shall be paid into the hands of, and be held by said treasurer for the use and benefit of said united districts, and paid out only upon the order of the board of education signed by the president and attested by the clerk. The said board shall have the right to draw upon an order signed by the president and secretary, the amount of dividends from time to time which the several school districts named in Section 1 of this act, to wit: 46, 133 and 182, shall be entitled to, as their part of the state school fund, and shall annually assess, levy and collect from the taxables of said united school districts the sum of one thousand dollars in the same manner as school taxes now are or may hereafter be by law assessed, levied and collected, and for that purpose shall possess all the powers that school commissioners now have or may hereafter have, "provided that the collector of Little Creek Hundred shall receive the warrant with the duplicate of assessment list whenever the board of commissioners shall offer to deliver them to him." The board of commissioners shall publish in the newspapers published in Laurel, or in two at least of the weekly newspapers published in Sussex County, in the last issue of said papers issued in the month of March of every year, a statement of the receipts and expenditures during the

## OF FREE SCHOOLS.

year, showing the sources from which the receipts have been obtained, and the object for which they were expended. They shall also settle with the auditor as other school commissioners do.

SECTION 7. The respective school committees of the consolidated school districts Nos. 46, 133 and district No. 182 shall exhibit their account and report as mentioned in Section 20 of Chapter 42 of the Revised Code, to the meeting of the board of commissioners hereinbefore named, of the said united school districts to be held on the first Monday in April next, and shall pay to the said board of commissioners all money due from them, and if they neglect to do so for ten days they shall forfeit and pay to the said commissioners of the public school of the town of Laurel and vicinity in the county of Sussex and the State of Delaware, additionally the rate of 25 per cent. on the sum due.

Old school boards to submit their accounts according to Section 20 of Chapter 40 of the Revised Code.

To pay over school monies in hand to board of commissioners.

SECTION 8. That the said board of commissioners are hereby authorized and empowered to sell at their discretion either at private or public sale, and either for cash or upon credit, and to convey by good and sufficient deed or deeds of conveyance to the purchaser or purchasers thereof the lot of land and buildings thereon now belonging to any one or two of said school districts Nos. 46 and 133 and also to purchase, take and hold suitable and convenient lot or lots, of land, or site or sites for a new school-house, and also to erect or cause to be erected in a suitable and convenient place a new school-building or buildings and to fully complete and furnish the same for the use of the said public schools of the town of Laurel and vicinity on the lot or lots purchased by them.

Board of commissioners authorized to sell certain property.

Empowered to purchase other property.

SECTION 9. That the said board of commissioners be and the same are hereby vested with full power and authority to levy and collect, as school taxes are now by law collected, a further sum of five hundred dollars, which said sum of money together with whatever amount shall be realized from the sale of the old school buildings and lot, shall be applied to the purchase of a lot of ground and erection or purchase of a public school building for said consolidated districts. And the said board of commissioners are further authorized and directed to borrow a sum of money not exceeding five thousand dollars for the use and to be applied and expended under the direction of the board of public education of said united districts in said town of Laurel for the purpose of assisting in purchasing a suitable site, and erecting a suitable building and furnishing the same for educational purposes, and for the purpose of se-

Additional tax to be levied to build school house.

Commissioners authorized to borrow not exceeding \$5000.

Money how to be expended.



## OF FREE SCHOOLS.

Commissioners authorized to execute bond and mortgage.

curing the said sum of money authorized by this section to be borrowed, the said board of commissioners are hereby authorized and directed to execute a bond and mortgage on all the school property belonging to said consolidated districts Nos. 46, 133 and 182, signed by the president and secretary of said board of commissioners payable in five equal annual installments with the interest on the whole amount unpaid, annually.

Commissioners authorized to levy additional money to pay interest, &c.

SECTION 10. That for the purpose of raising the funds necessary for the payment of said mortgage and for the payment of the interest thereon, the said board of commissioners are hereby further authorized, empowered and directed to assess, raise and collect annually, in the same manner as now provided by law for assessing, raising and collecting the said school taxes in the said United School Districts, such further sums of money as shall in their judgment be necessary and sufficient to meet the interest and installments on said mortgages as the same shall accrue and fall due. The sums assessed, raised and collected under and by virtue of the provisions of this section, to be in addition to the sums assessed, raised and collected by the said board for ordinary school purposes; *Provided*, that the sums levied and assessed under and by virtue of this section shall not exceed in each and every year the interest and installment due for that year by more than 20 per cent. of the aggregate amount of said interest and installment.

Amount to be raised under this section.

Corporation to be perpetual.

SECTION 11. That this shall be deemed and taken to be a public act and shall be perpetual, and all laws of this State applicable to free schools and not inconsistent or in conflict with the provisions of this act shall be applicable to the said consolidated districts.

Buildings to be insured in some safe company.

SECTION 12. That when a school building is secured under the provisions of this act then the board of commissioners shall have or cause the said building to be insured and to keep the same insured in some safe and reliable company or companies, the expense of said insurance to be paid out of the annual amount assessed and raised for the purpose of supporting schools in said consolidated districts. And all fines provided for by this act, the collection of which is not otherwise provided for, shall be collected by action before a Justice of the Peace.

*Passed at Dover, February 12, 1889.*

## OF FREE SCHOOLS.

## CHAPTER 512.

## OF FREE SCHOOLS.

AN ACT to authorize the transfer of the farm of Wm. L. Wilgus from School District No. 119 Baltimore Hundred, Sussex County, to School District 173 Baltimore Hundred, Sussex County.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. That the farm of Wm. L. Wilgus be and it is hereby transferred from School District 119 of Baltimore Hundred, Sussex County, to School District 173 Baltimore Hundred, Sussex County, and shall be subject to taxation and all other duties and shall have all the privileges pertaining to property in School District 173, Sussex County.

SECTION 2. This act shall be deemed to be\* taken to be a public act.

*Passed at Dover, February 25, 1889.*

## CHAPTER 513.

## OF FREE SCHOOLS.

AN ACT for the relief of the school teachers in United School Districts Nos. 32 and 108 in Sussex County.

WHEREAS, Both the principal and assistant teachers in United School Districts Nos. 32 and 108 in Sussex County were without certificates from their county superintendent during a part of the school year 1887 and 1888; and,

WHEREAS, At the last school meeting of said districts it was declared by the unanimous vote of those present that each of said teachers ought to receive payment for services

\*So enrolled.

## OF FREE SCHOOLS.

rendered during such time as they were without certificates respectively; therefore,

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Commissioners directed to pay teachers out of money of districts for teaching.

SECTION 1. That the school commissioners of said United School Districts Nos. 32 and 108, be and they are authorized, empowered and directed, out of the moneys of said districts, to pay to the principal and assistant teacher of said district during the last school year, for the services rendered during part of said school year that they were without certificates, the same sum of money respectively that they would have received for the same time if they had held certificates.

*Passed at Dover, March 8, 1889.*

## CHAPTER 514.

## OF FREE SCHOOLS.

AN ACT to transfer the houses and lands of Henry C. Short from School District No. 71 to School District No. 143 in Sussex County.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Houses and land belonging to Henry C. Short transferred to School District 143, Sussex Co.

SECTION 1. That the houses and land now belonging to Henry C. Short situate in School District No. 71 in Sussex County shall hereafter be and form a part of School District No. 143 in Sussex County aforesaid, and all and every the persons residing on the said land and farm herein mentioned and all persons who may hereafter reside thereon shall enjoy all the advantages and privileges, and that the said Henry C. Short and the person or persons hereafter owning said land and farm or living on the same shall be subject to all the duties and liabilities of taxables of said School District No. 143. *And further*, that they are hereby relieved and discharged from the same in said School District No. 71 in Sussex County aforesaid.

SECTION 2. This act shall be deemed and taken to be a public act.

*Passed at Dover, March 8, 1889.*

## OF FREE SCHOOLS.

## CHAPTER 515.

## OF FREE SCHOOLS.

AN ACT to transfer the farm of O. H. Gordy from School District No. 71 to School District No. 143 in Sussex County.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. That the houses and lands of O. H. Gordy, now in the limits of School District No. 71 in Sussex County be and the same are hereby transferred to and shall hereafter form a part of School District No. 143 in Sussex County aforesaid, and the said O. H. Gordy and all and every other person or persons residing on the said lands, or who may hereafter reside thereon, shall enjoy all the advantages and privileges and shall be subject to all the duties and liabilities of taxables of said School District No. 143 in Sussex County, and they are hereby relieved and discharged from the same in School District No. 71 in Sussex County. *Provided* that nothing in this act shall release the lands and premises therein named from school taxes and assessments now due and unpaid to said School District No. 71 in Sussex County.

SECTION 2. That this act shall be deemed and taken to be a public act.

*Passed at Dover, March 12, 1889.*

## OF FREE SCHOOLS.

## CHAPTER 516.

## OF FREE SCHOOLS.

AN ACT to amend Section 1 of Chapter 371, Volume 16, of the Laws of this State, entitled a supplement to the act entitled "An act to exempt certain persons from the operation of Chapter 48 of Volume 15 of the Laws of Delaware, and to enable them to establish schools for their children in Sussex County."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Section 1 of  
Chapter 371,  
Volume 16  
amended.

That Section 1 of Chapter 371, Volume 16 of the Laws of this State be and the same is hereby amended by striking out the word twenty in line nineteen of said section, after the word of and before the word scholars, and inserting in lieu thereof the word ten.

*Passed at Dover, Delaware, March 13, 1889.*

## CHAPTER 517.

## OF FREE SCHOOLS.

AN ACT to transfer the farm of George H. Townsend from School District No. 123 to School District No. 181, Sussex County.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Farm of G.  
H. Town-  
send trans-  
ferred from  
School Dis-  
trict No. 123  
to District  
181, Sussex  
county.

SECTION 1. That the farm now belonging to George H. Townsend, situated in School District No. 123 in Sussex County, shall hereafter be and form a part of School District No. 181, in Sussex County aforesaid, and all and every the persons residing on the said land and farm herein mentioned, and all persons who may hereafter reside thereon, shall enjoy all the advantages and privileges, and that the said George H. Townsend and the person or persons hereafter owning

## OF FREE SCHOOLS.

said land and farm, or living on the same shall be subject to all the duties and liabilities of taxables of said School District No. 181; *And further*, that they are hereby relieved and discharged from the same in said School District No. 123 in Sussex County aforesaid.

SECTION 2. That this act shall be deemed and taken to be a public act.

*Passed at Dover, March 20, 1889.*

## CHAPTER 518.

## OF FREE SCHOOLS.

AN ACT transferring the farm belonging to Alfred R. White situated in School District No. 124 in Sussex County, from said district No. 124, to School District No. 16 in said county.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met.*

SECTION 1. That the farm now belonging to Alfred R. White, situated in School District No. 124 in Sussex County, shall hereafter be and form a part of School District No. 16 in Sussex County aforesaid, and all and every the persons residing on the said land and farm herein mentioned and all persons who may hereafter reside thereon shall enjoy all the advantage and privilege, and that the said Alfred R. White and the person or persons hereafter owning said land and farm or living on the same shall be subject to all the duties and liabilities of taxables of said School District No. 16; *And further*, they are hereby relieved and discharged from the same in said School District No. 124 in Sussex County aforesaid. This act shall be deemed and taken to be a public act.

Farm of A.  
R. White  
transferred  
from School  
District No.  
124 to Dis-  
trict 16,  
Sussex Co.

*Passed at Dover, March 20, 1889.*

## OF FREE SCHOOLS.

## CHAPTER 519.

## OF FREE SCHOOLS.

AN ACT authorizing "The Board of Directors of the Gumboro Public School" to use a part of the surplus fund in paying for the school-house.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Commis-  
sioners au-  
thorized to  
appropriate  
money to  
pay a debt.

SECTION 1. That the Board of Directors of the Gumboro Public School be and they are hereby authorized and empowered to appropriate and use the sum of one hundred dollars of the moneys now in the treasury of the Gumboro public school towards the payment of\* the school-house of the said The Gumboro Public School.

SECTION 2. This act shall be deemed and taken to be a public act.

*Passed at Dover, March 20, 1889.*

## CHAPTER 520.

## OF FREE SCHOOLS.

AN ACT to change the assessment of a part of the farm of William S. Moore from United School Districts No. 46, 133 & 182 in Sussex County, to School District No. 60 in Sussex County.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. That that part or portion of the farm of William S. Moore situated in Broad Creek Hundred, Sussex County, that lies in United School Dist's\* Nos. 46, 133 and 182 be assessed for school purposes only in said united dist's\*, and that part or portion of said farm in School Dist. No. 60 be assessed only in said dist. No. sixty.

Farm of W.  
S. Moore to  
be assessed  
only in  
United Dis-  
tricts 46, 133  
& 182, Sus-  
sex county.

*Passed at Dover, Delaware, March 21, 1889.*

\*So enrolled.

## OF FREE SCHOOLS.

## CHAPTER 521.

## OF FREE SCHOOLS.

AN ACT empowering the Board of Commissioners for School District No. 91, in Sussex County, to make certain improvements.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. That the Board of Commissioners for School District 91, in Sussex County, shall have power to sell either at public or private sale the old school-house in said district and use the money realized from the sale thereof in painting the new school-house in said district. Commissioners authorized to sell old school house and paint new one.

SECTION 2. It shall be lawful for the said Board of Commissioners to assess and collect, in addition to the sum of money now authorized by law to be raised, an additional sum of money which with the proceeds of the sale of the old school-house aforesaid will be sufficient to paint the said new school-house; which additional sum herein authorized to be raised may be assessed and collected in the said district in any one year, or may be distributed through two or more years as may be deemed advisable by said Board of Commissioners. Authorized to borrow money.

SECTION 3. This act shall be deemed and taken to be a public act.

*Passed at Dover, March 21, 1889.*



## OF FREE SCHOOLS.

## CHAPTER 522.

## OF FREE SCHOOLS.

A SUPPLEMENT to the act entitled "An Act uniting the school districts of Laurel and vicinity."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Lot of land  
now secured  
in case com-  
missioners  
cannot se-  
cure it.

Associate  
Judge to  
appoint  
freeholders  
to condemn.

That in the matter of procuring a lot of land for the erection of a school-house for the use of the district provided by the act to which this is a supplement, in case the school commissioners shall not be able to purchase said lot by agreement with the owner, the provisions of Section 5, 6 and 7 of the act in relation to free schools passed at Dover, March 3, 1857, Chapter 442 of Volume 11 shall apply except that the power of appointing of freeholders to select such site shall be vested in the Judge of the Superior Court of the State of Delaware, residing in Sussex County, instead of the Levy Court, and the quantity of land which may be taken shall not exceed two acres instead of half an acre as therein provided.

*Passed at Dover, Delaware, March 26, 1889.*

## CHAPTER 523.

## OF FREE SCHOOLS.

AN ACT to transfer the houses and land of Robert W. Smith from United School Districts No. 37, 146 & 147 to School District No. 118, in Sussex County.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Farm of R.  
W. Smith  
transferred  
from United

SECTION 1. That the houses and land now belonging to Robert W. Smith, situate in United School District No. 37, 146 & 147, in Sussex County, shall hereafter be and form part

## OF FREE SCHOOLS.

of School District No. 118, in Sussex County aforesaid; and all and every the persons residing on the said land and farm herein mentioned, and all persons who may hereafter reside thereon, shall enjoy all the advantages and privileges, and that the said Robert W. Smith and the person or persons hereafter owning said land and farm, or living on the same, shall be subject to all the duties and liabilities of taxables of said School District No. 118; *And further*, that they are hereby relieved and discharged from the same in said United School Districts No. 37, 146 and 147 in Sussex County aforesaid.

Districts 37,  
146 & 147 to  
School Dis-  
trict 118,  
Sussex Co.

SECTION 2. This act shall be deemed and taken to be a public act.

*Passed at Dover, March 29, 1889.*

## CHAPTER 524.

## OF FREE SCHOOLS.

AN ACT transferring a farm of Josiah P. Marvel from School District No. 53 to School District No. 94 in Sussex County.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. That the farm and all the land of Josiah P. Marvel, now situate in School District No. 53 in Sussex County, be and the same is hereby transferred to and shall hereafter be and form a part of School District No. 94 in Sussex County aforesaid.

Farm of J.  
P. Marvel  
transferred  
from Dis-  
trict 53 to  
District 94,  
Sussex Co.

SECTION 2. That from and after the passage of this act the aforesaid farm and land and every person residing thereon, or who may hereafter reside thereon, shall enjoy all the rights and privileges and be subject to all the liabilities of taxables of said School District No. 94 in Sussex County, and are hereby relieved and discharged from the same in School District No. 53 in said county.

SECTION 3. That this act shall be deemed and taken to be a public act.

*Passed at Dover, March 29, 1889.*

## OF FREE SCHOOLS.

## CHAPTER 525.

## OF FREE SCHOOLS.

AN ACT transferring the farm now belonging to Edward J. Farman and situate in School District No. 167, in Sussex County, from said District No. 167 to School District No. 120, in said county.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. That the farm now belonging to Edward J. Farman, situate in School District No. 167, in Sussex County, shall hereafter be and form a part of School District No. 120, in Sussex County aforesaid, and all and every the persons residing on the said land and farm herein mentioned, and all persons who may hereafter reside thereon, shall enjoy all the advantage and privilege, and that the said Edward J. Farman and the person or persons hereafter owning said land and farm, or living on the same, shall be subject to all the duties and liabilities of taxables of said School District No. 120; *And further*, that they are hereby relieved and discharged from the same in said School District No. 167, in Sussex County aforesaid.

Farm of E. J. Farman transferred from District No. 167 to School District 120, Sussex Co.

SECTION 2. This act shall be deemed and taken to be a public act.

*Passed at Dover, March 29, 1889.*

## CHAPTER 526.

## OF FREE SCHOOLS.

AN ACT to create a new school district from districts Nos. 41, 43, 83 and United Districts Nos. 80 and 152 in Sussex County.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. That George A. Jones, Joel H. Messick and Charles T. Pepper be and they are hereby appointed commissioners to go upon and view the lands embraced within the

Commissioners to lay out a new School District.

## OF FREE SCHOOLS.

limits of School Districts Nos. 41, 43, 83 and United Districts Nos. 80 and 152 in Sussex County, and to determine whether it is necessary and advisable that a new school district should be created out of the territory within the limits of said districts. If the said commissioners, or a majority of them, shall determine that such a new district shall be created, they shall forthwith proceed to locate and lay out such new district, and shall make a return in writing under their hands, or the hands of a majority of them, defining the boundaries and limits of such new district, accompanied by a plot showing the outlines thereof, and shall file the said return and plot in the office of the clerk of the peace in and for Sussex County, and the said return and plot shall be duly recorded by the said clerk of the peace and shall become and be a public record. The commissioners shall, if they deem it necessary, call to their assistance a skillful surveyor and the said commissioners and surveyor shall be sworn to faithfully perform their several duties before entering upon them. The fees of the commissioners and surveyor shall be fixed, allowed and paid by the Levy Court of Sussex County.

To define  
boundaries  
and plot the  
same.

Plot to be  
returned to  
Clerk of the  
Peace and  
recorded.

May employ  
a surveyor.

SECTION 1. That if the said commissioners shall determine that a new district should be created as aforesaid and shall so locate the same and make return as aforesaid, such district shall be numbered in continuation of school districts already established by law in said county. The additional school district formed by and under this act shall have all the rights, authority and privileges of other school districts of the State; and as soon as the district is laid out and the return and plot lodged with the clerk of the peace as aforesaid, the said clerk shall inform the trustee of the school fund thereof.

Now dis-  
trict how  
numbered.

SECTION 3. When the said commissioners shall have made their return to the clerk of the peace as aforesaid of such new district, they or a majority of them shall call a meeting of the taxables in such new district by notices under their hands or the hands of a majority of them, indicating the time and place of such meeting, which notices shall be posted in five of the most public places of the new district, at least five days before the day of the meeting, at such meeting, the said taxables shall elect a clerk for three years, one commissioner for one year and one commissioner for two years, and determine the amount of tax to be raised, and generally to do all things which might be done at a regular annual stated meeting.

Meeting of  
taxables to  
be called.

Clerk and  
commis-  
sioners to be  
elected.

SECTION 4. The commissioners named in this act, or

## OF FREE SCHOOLS.

Location of  
school  
house how  
determined

such persons as shall be chosen as commissioners for said new district at the said meeting of the taxables, shall determine the location, amount of ground necessary, size and plan of construction of the school building for said new district; and the commissioners named in Section 1 of this act shall continue in office until all the duties devolving upon them by this act are performed, or until the officers are elected as provided in Section 3 of this act, and while in office they shall have, in addition to the powers conferred by this act, all the authority of regularly elected school officers.

Commis-  
sioners au-  
thorized to  
borrow  
money and  
give bond.

SECTION 5. That the commissioners named in Section 1 of this act, or those who shall be elected commissioners for said new district at the said meeting of the taxables thereof, be and they are hereby authorized, directed and empowered to borrow upon such terms and conditions as in their discretion they may think best the sum of two hundred and fifty dollars for the purpose of purchasing a lot, and erecting and furnishing, for said district, a school-house thereon, and to secure the payment of the same, with interest, in five equal installments on the first day of May in each and every year by a bond or bond and mortgage under the hands and seals of the commissioners on any property situated in and belonging to said new district.

Additional  
money may  
be raised by  
district.

SECTION 6. That the said commissioners who shall be elected at the meeting of the taxables aforesaid and their successors in office, are hereby authorized, directed and required to levy and collect yearly (in addition to the tax for carrying on the schools directed to be levied at the stated meeting) such sum of money as shall be necessary to meet said annual payment, and pay the same according to the conditions upon which the said sum of two hundred and fifty dollars was borrowed, the same to be levied and collected as other school money is levied and collected in said school district.

Vouchers  
for money  
spent to be  
presented to  
school  
voters.

SECTION 7. That the money borrowed under the authority of this act shall be expended by the authority and under the supervision of the commissioners, who shall present their accounts, together with vouchers, to the school voters of said new district at the annual meeting of said voters for settlement.

SECTION 8. That this act shall be deemed and taken to be a public act.

*Passed at Dover, March 29, 1889.*

## OF FREE SCHOOLS.

## CHAPTER 527.

## OF FREE SCHOOLS.

AN ACT entitled An Act to authorize United School Districts Nos. 8 and 153, in Sussex County, to sell their old School property, build new ones and borrow money.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. That the school committee of United School Districts No. 8 & 153, in Sussex County, are directed, when authorized and empowered by the school voters of said united districts at a stated meeting, or at a meeting called to consider the question, to dispose of the old school-house of the said united districts at either public or private sale, and to erect and build, or cause to be erected and built, in the place thereof and on the same lot of land and premises a suitable new school building, and properly to fit and furnish the same for the use of said united school districts at a cost not to exceed the sum of one thousand dollars (\$1,000) in addition to the moneys that may be derived from the sale of said old school-house.

Commissioners of United Districts Nos. 8 & 153 authorized to sell old school-house and build a new one.

New building not to cost exceeding \$1000.

SECTION 2. That the said school committee is hereby further authorized and empowered to borrow any sum of money not exceeding one thousand dollars (\$1,000) for the purpose of carrying into execution the provisions of Section 1 of this act, the said sum so to be borrowed to be made due and payable within five years upon completion of said school building.

Committee authorized to borrow money.

SECTION 3. That for the purpose to secure the loaner or loaners the payment of the money so to be borrowed under the provisions of this act, with interest thereon, the said committee is authorized and empowered to make and execute and deliver to the loaner or loaners the bond or bonds and also mortgage or mortgages upon any and all real estate owned by said united school districts at the time of the execution thereof, which bond or bonds, or mortgage or mortgages, shall be signed by said committee of united school district; such bond or bonds, or mortgage or mortgages, shall be made to become due and payable in five equal annual installments with the accrued interest on the whole sum un-

Committee authorized to execute bonds and mortgages.

Bonds and mortgages when due and how paid.

## OF FREE SCHOOLS.

paid and shall bear interest at any rate not exceeding six per centum per annum by levying a tax proportionately annually thereafter.

Committee { John B. Welch,  
John Ponder,  
David A. Wiltbank.

*Passed at Dover, April 2, 1889.*

## CHAPTER 528.

## OF FREE SCHOOLS.

AN ACT for the relief of a school teacher in School District No. 74, in Sussex County.

Preamble. WHEREAS, The teacher in district No. 74, in Sussex County was without a certificate from the county superintendent during a first part of the school year of 1887 & 1888.

WHEREAS, The teacher gave perfect satisfaction, and at the regular yearly meeting the school voters unanimously instructed the committee to pay said teacher his wages for such time as he was without a certificate. Therefore,

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

School commissioners of district 74 directed to pay teacher for years 1887-88.

SECTION 1. That the school commissioners of school district No. 74, be and they are hereby authorized, empowered and directed out of the moneys of said district to\* the teacher of said district during the school year 1887 & 1888, during part of said school years, that he was without a certificate, the same sum of money that he would have received for the same time if he had held a certificate.

*Passed at Dover, April 5, 1889.*

\*So enrolled.

## OF FREE SCHOOLS.

## CHAPTER 529.

## OF FREE SCHOOLS.

AN ACT transferring the farm of Nehemiah Frank Warren from School District No. 6, Sussex County, to United School Districts Nos. 3, 175 and 175½, in said County.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. That the farm and premises now belonging to Nehemiah Frank Warren, situated in School District No. 6, in Sussex County, shall hereafter be and form a part of United School Districts Nos. 3, 175 and 175½ in Sussex County aforesaid, and all and every the persons residing on the said land and farm herein mentioned, and all persons who may hereafter reside thereon, shall enjoy all the advantage and privilege, and that the said Nehemiah Frank Warren and the person or persons hereafter owning said farm and land or living on the same shall be subject to all the duties and liabilities of taxables of said United School Districts Nos. 3, 175 and 175½. *And further*, that they are hereby relieved and discharged from the same in said School District No. 6, in Sussex County aforesaid.

Farm of  
Nehemiah  
F. Warren  
transferred  
from Dis-  
trict No. 6  
to United  
Districts  
Nos. 3, 175  
and 175½,  
Sussex Co.

SECTION 2. That this act shall be deemed and taken to be a public act.

*Passed at Dover, April 10, 1889.*



## OF FREE SCHOOLS.

## CHAPTER 530.

## OF FREE SCHOOLS.

AN ACT transferring the farm now belonging to Robert H. Stephens, situated in School District No. 25, in Sussex County, from said District No. 25, to School District No. 141, in said county.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Farm of  
Robert H.  
Stephens  
transferred  
from School  
District No.  
25, Sussex  
county, to  
District 141,  
Sussex Co.

SECTION 1. That the farm now belonging to Robert H. Stephens, situated in School District No. 25, in Sussex County, shall hereafter be and form a part of School District No. 141, in Sussex County aforesaid, and all and every the persons residing on the said land and farm herein mentioned, and all persons who may hereafter reside thereon, shall enjoy all the advantage and privilege, and that the said Robert H. Stephens and the person or persons hereafter owning said land and farm, or living on the same, shall be subject to all the duties and liabilities of taxables of said School District No. 141; *And further*, that they are hereby relieved and discharged from the same in said School District No. 25, in Sussex County aforesaid. This act shall be deemed and taken to be a public act.

*Passed at Dover, April 10, 1889.*

## CHAPTER 531.

## OF FREE SCHOOLS.

AN ACT transferring the farm of William John Hickman from the United School Districts Nos. 4 and 127, Sussex County, to United School Districts Nos. 5 and 116, Sussex County.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Farm of  
Wm. John  
Hickman  
transferred  
from School  
Districts  
Nos. 4 and

SECTION 1. That the farm and premises now belonging to William John Hickman, situated in United School Districts Nos. 4 and 127 in Sussex County, shall hereafter be and form a part of United School Districts Nos. 5 and 116 in Sus-

## OF FREE SCHOOLS.

sex County aforesaid, and all and every the persons residing on the said land and farm herein mentioned, and all persons who may hereafter reside thereon shall enjoy all the advantage and privilege, and that the said William John Hickman and the person or persons hereinafter owning said land and farm or living on the same shall be subject to all duties and liabilities of taxables of said United School Districts No. 5 and 116: *And further*, that they are hereby relieved and discharged from the same in said United School Districts Nos. 4 and 127 in Sussex County aforesaid.

SECTION 2. This act shall be deemed and taken to be a public act.

*Passed at Dover, April 16, 1889.*

## CHAPTER 532.

## OF FREE SCHOOLS.

AN ACT transferring the farm of Sylvester John Abbott from School District No. 79, Sussex County, to United School Districts Nos. 3, 175 and 175½, in said county.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. That the farm and premises now belonging to Sylvester John Abbott, situated in School District No. 79, in Sussex County, shall hereafter be and form a part of United School Districts Nos. 3, 175 and 175½, in Sussex County aforesaid, and all and every the persons residing on the said land and farm herein mentioned, and all persons who may hereafter reside thereon, shall enjoy all the advantage and privilege, and that the said Sylvester John Abbott and the person or persons hereafter owning said land and farm, or living on the same, shall be subject to all the duties and liabilities of taxables of said United School Districts Nos. 3, 175 and 175½; *And further*, that they are hereby relieved and discharged from the same in said School District No. 79, in Sussex County aforesaid.

Farm of Sylvester John Abbott transferred from School District No. 79 to School Districts Nos. 3, 175 and 175½, Sussex Co.

SECTION 2. This act shall be deemed and taken to be a public act.

*Passed at Dover, April 18, 1889.*

## OF FREE SCHOOLS.

## CHAPTER 533.

## OF FREE SCHOOLS.

AN ACT dividing School Districts Nos. 97 and 135 in Sussex County into four school districts, and establishing a Board of Education for Frankford, incorporating the same, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch of the Legislature concurring therein):*

Nos. 97 and  
135 divided  
into four  
districts.

Boundaries.

SECTION 1. That School Districts Nos. 97 and 135 in Sussex County be and the same are hereby divided into four school districts which shall be known and designated as School Districts Nos. 97, 97½, 135 and 135½ and described as follows, to wit: No. 97, beginning at the center of the angles or forks of the streets in front of the M. E. Church in Frankford, running on south side of the said church and on the north side of the depot across the cemetery, depot lot and across lands of Elizabeth Carey, with course and distance running north seventy-six and three-quarter degrees west eighty-eight perches to a corner for lands of said Elijah Carey and heirs of Hettie C. Davis to the outline of the original districts and with said outline across lands of Joseph S. Cary, heirs of Hettie C. Davis to the west side of a small negro hut thereon, across lands of Mary E. Walls to the west side of her buildings, with course and distance running north twelve and one-quarter degrees, west three hundred and nine perches, and cornering on lands of Millard F. Murray, thence across lands of said Millard F. Murray and crossing the county road leading from Frankford to Dagsboro just north of the negro hut on the lands of J. J. Derrickson, and on the aforesaid county road, with course and distance running north seventy-one degrees, east sixty-four perches on the lands of the aforesaid J. J. Derrickson, thence across his lands north of another negro hut thereon, situated on the landing road leading from Frankford to Thatcher's Landing, with course and distance south thirty-six degrees, east one hundred and ninety-seven perches, thence with said landing road and Reed street to the Main street in Frankford, thence with Main street to the place of beginning.

No. 97½, beginning in the center of Main street in the

## OF FREE SCHOOLS.

town of Frankford at the mouth of what is known as Reed street, thence down and with Main street to Thatcher's street, and with Thatcher's street to the mouth of what is known as the Honolulu road and with the Honolulu road until reaching the line for district No. 97, thence with said line up the landing road and Reed street running southward to the place of beginning.

No. 135, beginning at a forked white or sweet gum tree standing on a ditch bank in lands of John T. Long about three hundred yards to the westward of the Burton Lockwoods old homestead, thence across said John T. Long's land to the dividing line between the lands of the heirs of Hattie C. Davis and Elijah Carey, and with said line as also a dividing ditch, with course and distance running north twelve and one-quarter degrees, west one hundred and twenty-five perches to the second or last end of the first line for district No. 97 and with said first line across lands of Elijah Carey to the depot lot, crossing the same just north of the depot, and crossing the M. E. Cemetery just south of the M. E. Church, with course and distance running south seventy-six and three-quarters degrees, east eighty-eight perches to center of street in front of the M. E. Church and beginning for district No. 97, thence down and with Main street to a road leading to Gumboro, just east of Dr. Frank M. Gum's office, thence out and with said road, as well as line for District No. 135½ to point southward of Eber D. Long's residence, thence running across lands of said Eber D. Long and across lands of Mrs. John S. Brasure, just south of the Burton Lockwood old residence, thence across lands of J. T. Long, with course from the last mentioned road bearing north thirty-four and one-half degrees, west one hundred and fifty-eight perches to the place of beginning.

Limits of  
consolidat-  
ed and in-  
corporated  
districts.

No. 135½, beginning in the town of Frankford at or near the corner of Main and Thatcher's streets, known as "Gum's corner," running down Thatcher's street to the Honolulu road, thence with the Honolulu road to the road leading from Frankford to Thatcher's Landing, and with said road and line for district No. 97 to the outside boundary, a short distance north of a small negro hut belonging to J. J. Derrickson, thence leaving said road and crossing a piece of land owned by John H. Long and William Truitt as partners, and across lands of Stephen H. Wharton, with course from the landing road running south thirty-six degrees, east ninety-three perches to the south corner for lands of John H. Long on the

## OF FREE SCHOOLS.

county road leading from Frankford to Baltimore Mills, thence across Vine's branch to the east of Mrs. T. Z. Barker's residence to the east of Charles T. Mumford's residence, with course running south forty-six and one-quarter degrees, east two hundred and two perches to a persimmon tree standing on a ditch bank a short distance southeasterly from Charles T. Mumford's house, thence running south sixty-two and one-quarter degrees, west across lands of David C. Betts, John Hickman's heirs, crossing the road leading from Frankford to Selbyville a short distance south from George Dingle's burned house, across the lands of John A. Gum a little south of the house belonging to Mrs. Robert M. Davis, four hundred and thirty-two perches to the Gumboro road and line for district No. 135 and and\* with said road and line to Main street in Frankford just east of Dr. F. M. Gum's office, thence with Main street to the beginning.

Powers and  
privileges.

The four school districts formed by this act shall have and enjoy all the rights, powers, incidents, immunities, privileges and benefits of school districts in this State, and each of said districts shall be entitled to its proportional share of the school fund of this State apportioned to Sussex County.

To be man-  
aged by a  
board of  
education.

SECTION 2. That from and after the passage of this act districts No. 97, 97½, 135 and 135½ in Sussex County as formed and bounded by the foregoing section of this act, shall form one consolidated district to be governed and managed by a board of public education, consisting of five members to be elected as hereinafter provided.

Board of  
education  
established

SECTION 3. That from and after the passage of this act there shall be established in and for said consolidated districts a board of education to be styled "The Board of Public Education for Frankford," whose design and purpose shall be the direction and management and superintendence of the public education of children in said consolidated districts between the ages of six and twenty-one years.

Powers of  
board of  
education.

SECTION 4. That the following named citizens of said consolidated districts, namely, Everett Hickman, John R. Steel, John T. Long, John H. Layton and William S. Long and their successors, as hereinafter provided, shall constitute the said board, and under the name and style aforesaid shall be and they are hereby created a body politic and corporate for the purpose aforesaid, and as such shall have full power and authority to devise, establish and to modify from time to

\*So enrolled.

## OF FREE SCHOOLS.

time a plan and system of education for children between the ages aforesaid in the said consolidated districts, and to superintend the same; to appoint, suspend and remove teachers and provide school-houses, to make by-laws, rules and regulations for their own government and for the government of the teachers and schools under their superintendence, to designate and elect officers of the said board and to fill vacancies in any manner however caused, until the next election for members of the board, and to take and acquire, receive, hold and enjoy for the purpose aforesaid, moneys and real and personal estate, by bargain and sale, gift, grant, contract, devise or bequest; and that they, as such body corporate, and by the name and style aforesaid may sue and be sued, plead and be impleaded in any court of law or equity in the State of Delaware or elsewhere, and have a common seal, with power to alter the same, and otherwise generally shall be clothed with all the rights, powers and privileges incident to corporations and necessary or convenient for carrying out the purposes of their creation.

SECTION 5. That the persons named as corporators in this act shall constitute the board of public education until the first Saturday in April A. D., eighteen hundred and ninety, or until their successors are duly elected and qualified. The first elections for the members of the board of public education shall take place on the first Saturday in April A. D., eighteen hundred and ninety, at which election the five members of said board shall be elected to serve for the term of one year, or until their successors are duly elected and qualified; and the five members of said board shall be elected annually thereafter on the first Saturday of April, and the persons so chosen at any annual election shall serve for the term of one year, or until their successors are duly elected and qualified; any vacancy happening in said board from any cause whatever may be filled for the residue of the school year in which it happens by the other members of the board. The said elections shall be held in the afternoon, the polls opened at one o'clock or within thirty minutes thereafter, and closed at four o'clock. The members shall not receive or be allowed any compensation, except the secretary and treasurer, for their services. The board shall elect a president and secretary (the latter shall also be treasurer) who shall not be members thereof. The board shall appoint the place of election and give notice thereof for ten day\* previous to the time of hold-

Election for  
board of  
education  
when and  
how held.

\*So enrolled.

## OF FREE SCHOOLS.

Notice of election.

ing said election by handbills under the signature of the secretary of the board, posted in five of the most public places in the consolidated districts. They shall appoint an inspector and an assistant inspector of said election (not members of the board) who shall preside thereat. The officers holding the election shall, before opening the polls, each take an oath or affirmation as follows:

Oath of inspectors.

"I, ———, do solemnly swear (or affirm) that in holding the election this day for members of the board of public education, I will faithfully and impartially perform my duty and make true certificates of the result thereof and deliver the same according to law, so help me God, (or so I solemnly affirm)."

Result of election.

The inspector is authorized to administer this oath or affirmation to the assistant and he to the inspector. Within two days after any election certificates of the results shall be delivered under the hands of the officer holding the election to each of the persons elected, which certificates shall be made out and signed as aforesaid immediately after counting the votes. The board shall be the judges of the elections and qualifications of its members, who must, in addition to being qualified voters of said consolidated districts, have paid a school tax within the year preceding the election, and must be elected by the voters of said consolidated districts having the same qualification, plurality of votes to elect.

Who to be qualified voters.

Penalty for illegal voting.

SECTION 6. That if any person not having a right to vote at any election held under this act shall vote at such election, or if any inspector or assistant inspector shall knowingly take the vote of a person not having a right to vote, or shall neglect or refuse to make and deliver certificates of the result of any election, as required by the next foregoing section, any such person, inspector or assistant inspector shall forfeit and pay fifty dollars to be adjudged on indictment and conviction in the Court of General Sessions in and for the county of Sussex, and to be paid to the board of public education aforesaid for the benefit of the schools under its charge.

Report of settlement with auditor to be published.

SECTION 7. That the board of public education shall within ten days after settling with the State Auditor in every year cause to be published a full report of their accounts and proceedings during the past year, setting forth aggregates under their appropriate heads; they shall also depute one of their members to settle with the auditor of the state.

SECTION 8. That the board of public education shall, on

## OF FREE SCHOOLS.

or before the first Saturday of April in each and every year, determine the amount of money that shall be necessary to carry on the schools and for incidental expenses for the ensuing year, and that the taxes levied and collected for educational purposes in said consolidated districts shall be levied and collected as now provided by law, and the board of public education in assessing the same shall have all the power granted to county assessors by Section 10 of Chapter 10 of the Revised Code.

Taxes how  
levied and  
collected.

SECTION 9. That the board of public education shall have the same power and authority in collecting taxes given to commissioners of public schools in this State, and shall have the right to draw from time to time such dividends as are drawn by other districts consolidated in like manner.

Board to  
have power  
to draw  
dividends.

SECTION 10. That each member of the board of public education before entering upon the duties of his office shall take an oath or affirmation to perform the same diligently and faithfully according to the best of his knowledge and judgment. Such oath or affirmation may be administered by the president of the board or by any member thereof, as well as by any officer authorized by the laws to administer oaths or affirmation.

Board of  
Education  
to take oath  
of office.

SECTION 11. That the secretary and treasurer of said board of public education shall be required to give full and sufficient bond with approved security for the faithful performance of his duties under this act, and which shall be sufficient to cover the full amount of money which may at any time come into the hands of said secretary and treasurer, and shall receive a compensation for his services as may be determined and fixed by said board. He shall file a copy of proceedings of annual meetings with the Clerk of the Peace of Sussex County, and shall also record the proceedings in a book belonging to said consolidated districts as is now provided by law.

Secretary  
and Treas-  
urer to give  
bond.

SECTION 12. That for the purpose of providing more and better school accommodations it shall and may be lawful for the board of education to rent, buy or build a school-house, and for the payment of the same the board may, in its discretion, issue bonds under the corporate seal, signed by the president and secretary in a sum not to exceed two thousand dollars, bearing interest at the rate of six per centum or less per annum, and the faith of the consolidated School Districts Nos. 97, 97½, 135 and 135½ shall be pledged for the

Board of  
Education  
to rent, buy  
or build a  
school house



## OF FREE SCHOOLS.

payment of the same and interest at maturity; *Provided*, the said bonds shall not be sold at a less price than par value thereof.

SECTION 12. That this act shall be and continue in force for the term of twenty years from and after its passage, and that all laws or parts of laws which conflict with the same or any of its provisions be and the same are hereby repealed so far as they conflict with Districts Nos. 97, 97½, 135 and 135½.

*Passed at Dover, April 19, 1889.*

## CHAPTER 534.

## OF FREE SCHOOLS.

AN ACT to authorize United School Districts Nos. 5 and 116, Sussex County, to borrow money for school buildings; also to use their surplus money for the same purpose.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Authorized  
to borrow  
money to  
build a  
school house  
and give  
bond for the  
same.

SECTION 1. That the school commissioners of United School Districts Nos. 5 and 116 in Cedar Creek Hundred, Sussex County, be and they are hereby authorized and empowered to borrow a sum of money not exceeding three hundred dollars for the purpose of erecting or purchasing a new school-house for said districts, and for the purpose also of purchasing, if necessary, a lot of ground on which to erect said new school-house, and that said sum of three hundred dollars shall be borrowed for such time, not exceeding three years, at such rate of interest not exceeding six per centum per annum and made payable in such installments as said commissioners shall deem fit and proper; and the said commissioners are hereby authorized to secure the payment of the same, with the interest thereon, by a bond or mortgage, or by bond and mortgage under their hands and seals as commissioners aforesaid, on the school-house and premises or other property situated

## OF FREE SCHOOLS.

in and belonging to said United School Districts Nos. 5 and 116.

SECTION 2. That the said commissioners and their successors are hereby authorized, directed and required to levy and collect yearly (in addition to the tax for carrying on the school or schools directed to be levied at the stated meetings) such sum as shall be necessary for the payment of the interest and principal of said sum mentioned in Section 1 according to the conditions upon which the same was borrowed, the same to be levied as other school money is levied in said district.

To levy additional money to pay money borrowed.

SECTION 3. That the said school commissioners are hereby authorized and empowered, in addition to said sum of three hundred dollars to use for the purposes mentioned in Section 1 of this act, any or all surplus moneys that may be in the treasury of said united school districts at the next annual school meeting in April, A. D. 1880.

May use surplus money.

SECTION 4. That the said commissioners are hereby authorized and empowered, if they should deem it advisable and proper to do so, to sell and convey the present lot used for school purposes in said district, together with the buildings thereon, and when such sale shall be made, a deed signed by the said school commissioners, or any two of them, and duly acknowledged before a Notary Public, shall be valid and effectual to pass to the purchaser a good and sufficient title to the premises. That the proceeds of sale of the said school-house and lot, if the same shall be sold, shall be appropriated and applied, in addition to the money hereinbefore provided for, towards the cost of purchasing a lot and erecting a new school-house for the use of said districts and to no other purpose whatsoever.

Given power to sell present school lot.

SECTION 5. This shall be deemed and taken to be a public act.

*Passed at Dover, April 23, 1889.*

## OF FREE SCHOOLS.

## CHAPTER 535.

## OF FREE SCHOOLS.

AN ACT to transfer the farm of Henry P. Cannon, known as the "Altemus farm," from School District Number 77 to School District Number 65, in Sussex County.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. That the farm of Henry P. Cannon, known as the "Altemus farm," now situate and lying in School District No. 77, in Sussex County, shall hereafter be and form a part of and be assessed for school purposes in School District No. 65, in Sussex County aforesaid, and all and every the persons residing on said farm, and all persons who may hereafter reside thereon, shall enjoy all the advantages and privileges and be subject to all the duties and liabilities of taxables of said School District No. 65, in Sussex County, and are hereby released and discharged from the same in said School District No. 77, in said county.

Farm of H.  
P. Cannon  
transferred  
to District  
No. 65, Sus-  
sex County.

SECTION 2. That this act shall be deemed and taken to be a public act.

*Passed at Dover, April 23, 1889.*

## CHAPTER 536.

## OF FREE SCHOOLS.

AN ACT to transfer the farm of Burton D. Carpenter, Jr., from School District No. 6, Sussex County, to School District No. 79, Sussex County.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. That the farm and premises now belonging to Burton D. Carpenter, jr., situated in School District No. 6,

Farm of B.  
T. Carpen-  
ter, jr.,

## OF FREE SCHOOLS.

in Sussex County, shall hereafter be and form a part of School District No. 79, in Sussex County aforesaid, and all and every the persons residing on the said land and farm herein mentioned, and all persons who may hereafter reside thereon, shall enjoy all the advantage and privilege, and that the said Burton D. Carpenter, jr., and the person or persons hereafter owning said land and farm, or living on the same, shall be subject to all the duties and liabilities of taxables of said School District No. 79; *And further*, that they are hereby relieved and discharged from the same in said School District No. 6, in Sussex County aforesaid.

*Passed at Dover, April 23, 1889.*

## CHAPTER 537.

## OF FREE SCHOOLS.

AN ACT to compensate the public schools of South Milford for the use of their building for election purposes.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. That the Levy Court of Sussex County be and it is hereby authorized and directed to pay to the "Board of Public Education for South Milford" the sum of twenty dollars for each and every time the school building in South Milford is hereafter used for general election purposes.

Levy Court  
authorized  
to pay for  
use of school  
house in S.  
Milford.

SECTION 2. That this act shall be deemed and taken to be a public act.

*Passed at Dover, April 24, 1889.*

## OF FREE SCHOOLS.

## CHAPTER 538.

## OF FREE SCHOOLS.

AN ACT transferring the farm of Henry W. Stewart from the School District No. 78, Sussex County, to School District No. 85, Sussex County.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. That the farm and premises now belonging to Henry W. Stewart, situated in School District No. 78, in Sussex County, shall hereafter be and form a part of School District No. 85, in Sussex County aforesaid, and all and every the persons residing on the said land and farm herein mentioned, and all persons who may hereafter reside thereon shall enjoy all the advantage and privilege, and that the said Henry W. Stewart, and the persons hereafter owning said land and farm, or living on the same, shall be subject to all the duties and liabilities of taxables of said School District No. 85; *And further*, that they are hereby relieved and discharged from the same in said School District No. 78, in Sussex County aforesaid.

Farm of H.  
W. Stewart  
from School  
District 78  
to District  
No. 85, Sus-  
sex County.

SECTION 2. This act shall be deemed and taken to be a public act.

*Passed at Dover, April 26, 1889.*

## CHAPTER 539.

## OF COLORED SCHOOLS.

AN ACT to amend an act entitled "An Act to incorporate the colored schools of Slaughter Neck, Sussex County," passed at Dover, April 21, 1887.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch of the Legislature concurring herein):*

That Section 7 of Chapter 89 of Volume 18, of the Laws of Delaware, be amended by inserting in the sixth line thereof

Section 7.  
Chapter 89.

## OF COLORED SCHOOLS.

after the word "rata" and before the word "every" the following words: "All the personal property within the said district owned by colored persons shall be assessed, subject to the exceptions of the general law." Volume 18,  
amended.

*Passed at Dover, February 18, 1889.*

## CHAPTER 540.

## OF COLORED SCHOOLS.

AN ACT to incorporate the colored schools of Seaford.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch concurring therein):*

SECTION 1. That on and after the first day of September, A. D. 1889, the town of Seaford as now bounded, and the adjoining country for one and one-half miles in every direction, shall form a school district for colored school purposes by the name of the "Seaford Colored Schools," and shall be governed by a board of directors to be composed of three members, who shall be elected as hereinafter provided. Boundaries  
of colored  
schools, dis-  
trict of  
Seaford.

SECTION 2. That the qualified voters living within the limits of the district aforesaid shall on the last Saturday of April, A. D. 1889, elect three directors, one of whom is to serve for the period of one year, one for two years, and one for three years, and annually thereafter one director is to be elected for the term of three years as hereinafter provided. Directors  
when  
elected.

SECTION 3. That a majority of said board shall constitute a quorum, and any vacancy occasioned by non-election, death, resignation or otherwise, shall be filled by said board; any member of the board absenting himself from three stated meetings without sufficient excuse may have his seat declared vacant by the board, and the said board may elect a member in his place. Quorum.  
Vacancies  
how filled.

SECTION 4. That the members of the said board shall be a corporation by the name of "The Board of Directors of the Corporate  
powers.

## OF COLORED SCHOOLS.

Seaford Colored Schools," and by that name they and their successors shall have perpetual succession and shall have and possess all the powers, rights, privileges and franchises necessary and proper to establish and maintain good schools for the education of the colored children within the district aforesaid, between the ages of 6 and 21 years, and shall have full control of all the real and personal property which now belongs to the colored schools as at present established, or which may hereafter belong to said district, and may in the name aforesaid maintain, prosecute and defend all suits in law and equity which may be necessary to protect the property of said district or to carry into effect the provisions of this act.

**SECTION 5.** That on the first Monday of May, A. D. 1889, the said board, elected as provided in Section 1, shall meet and organize for the year by electing one of their number as president and one as secretary. The board shall have power to appoint a treasurer and also a collector of taxes, both of whom shall be required to give bond for the faithful performance of their duties in such sums as the said board may determine. The treasurer and collector may or may not be members of the board. The board shall also have power to appoint all other officers, agents and teachers that may be necessary, and to fix their compensation and to make by-laws, rules and regulations for their own government and for the schools.

**SECTION 6.** That the said board shall have the right to draw the pro rata share which the school or schools of said district shall be entitled to from the State appropriation to colored schools by an order signed by the president and attested by the secretary, and shall have power to fix such sum in addition thereto as the said board may deem necessary to educate all the colored children in said district.

**SECTION 7.** It shall be the duty of the said board to make an assessment list for said district annually in the month of May. All real estate and personal property within said district owned by colored persons shall be assessed according to a certain rate, and upon every hundred dollars of the estimated value of the property assessed, if sold for cash, and so pro rata. Every colored male person above the age of twenty-one years shall be rated for capitation or poll tax, in addition to the assessments of his real estate, at a capital not exceeding \$500 nor less than \$100; *Provided*, that no property used for religious purposes shall be assessed for school pur-

## OF COLORED SCHOOLS.

poses. Upon the computation of the assessment and levy of the school tax in said district said board shall determine the rate on every hundred dollars of the amount of the assessment list required to raise the sum levied with ten per centum added thereto for delinquencies and costs of collection. After determining the rate aforesaid, it shall and may be lawful for the treasurer of said board to accept and receive the tax of each and every person liable to pay the same who shall tender the payment thereof before the 10th day of June in the year in which the said tax is levied; and the said treasurer shall allow to each person so paying their tax within said time an abatement of eight per centum upon said tax. It shall be the duty of said board on the 10th day of June in each year, or as soon after that date as practicable, to execute and deliver their warrant with duplicate of the uncollected assessment list to a collector specially appointed by said board to execute the said warrant, the said collector shall proceed in the manner and have all the powers of a collector of county taxes. The warrant shall be in the general form as prescribed in Chapter 42, Section 13, Revised Code.

Treasurer  
may receive  
taxes.

Warrant  
and dupli-  
cate when  
delivered to  
collector.

SECTION 8. That it shall and may be lawful for said collector after demand made by him for the payment of the tax assessed against any person in said district, and the failure of said taxable to pay the same on demand, to attach any goods or chattels, rights or credits, money or wages belonging or owing to said taxable, and the proceeding for so doing shall be the same as prescribed in Chapter 354, Vol. 16, Laws of Delaware.

Powers and  
duties of  
collector.

SECTION 9. The collector shall within ninety days after receiving the warrants pay to the treasurer of said board the amount which he is required to collect, deducting delinquencies to be allowed by the said board, and his fees, at the rate of ten per centum on the sum collected when it does not exceed fifty dollars, and eight per centum when it exceeds that sum, and said collector and his sureties by virtue of his official bond shall be liable thereon for every failure of duty and default in the premises, which bond shall be proceeded on at the instance of said board.

Payment  
when to be  
made by the  
collector.

Collector's  
per cent.

SECTION 10. If said collector shall fail to pay to said board the money collected by him on said warrant and due, said board may if the amount does not exceed one hundred dollars, sue him in the name of said board, before a justice of the peace residing in Sussex County, and recover the same.

Suit against  
collector  
may be  
brought.



## OF COLORED SCHOOLS.

SECTION 11. That said district shall be exempted from the provisions of the 48\* Chapter, Volume 15, Laws of Delaware, provided for the levying of a tax by the Levy Court for the support of colored schools.

What property exempt from taxation.

Qualified voters.

SECTION 12. At the election for a member of the board of directors, to be held on the last Saturday of April A. D. 1890, and thereafter all male colored persons residing in said district who have paid the school tax for the preceding year, and no others, shall be entitled to vote at said election. Any one voting illegally shall forfeit and pay a fine not exceeding \$25, and be imprisoned for a term not exceeding three months.

*Passed at Dover, Delaware, March 21, 1889.*

## CHAPTER 541.

## OF COLORED SCHOOLS.

AN ACT to Provide for Disbursing balance of Negro School Tax remaining in hands of William Herbert, late County Treasurer.

Preamble.

WHEREAS, the sum of six hundred and eighty-eight dollars and twenty-eight cents (\$688.28) is now in the hands of William Herbert, late Treasurer of New Castle County, said sum having been received by him from negro school tax collected in Wilmington Hundred; and whereas, under existing laws there is no legal method for paying over said amount; therefore,

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Superintendent of free schools to draw order on Wm. Herbert.

SECTION 1. That the Superintendent of Free Schools for New Castle County is hereby authorized and required to draw an order in favor of the Treasurer of the Board of Public Education in the City of Wilmington for said amount, directed to the said William Herbert, late County Treasurer, and the said William Herbert as aforesaid, on paying the same as aforesaid, shall be fully discharged and exonerated from liability therefor.

*Passed at Dover, Delaware, April 2, 1889.*

\*So enrolled.

## OF COLORED SCHOOLS.

## CHAPTER 542.

## OF COLORED SCHOOLS.

AN ACT to incorporate the Colored Schools of Kenton Hundred.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring herein:)*

SECTION 1. That on and after the first day of September, A. D. 1889, Kenton Hundred shall form a School District for colored school purposes, by the name of the "Kenton Hundred Colored Schools," and shall be governed by a Board of Directors, to be composed of six members, who shall be elected as hereinafter provided.

Kenton  
hundred to  
be one dis-  
trict for col-  
ored schools

SECTION 2. That the qualified colored voters living within the limits of the district aforesaid, shall, on the last Saturday of April, A. D., 1889, elect six directors, two of whom are to serve for the period of one year, two for two years, and two for three years, and annually thereafter two are to be elected for the term of three years, as hereinafter provided.

Directors  
when  
elected.

SECTION 3. That a majority of the said board shall constitute a quorum, and any vacancy occasioned by non-election, death, resignation, or otherwise, shall be filled by the said board. Any member of the board absenting himself from its stated meetings for three successive meetings without sufficient excuse, may have his seat declared vacant by the board, and the said board may elect a member in his place.

Quorum.

Vacancies  
how filled.

SECTION 4. That the members of the said board shall be a corporation by the name of "The Board of Directors of the Kenton Hundred Colored Schools," and by that name, they and their successors shall have perpetual succession, and shall have and possess all the powers, rights, privileges and franchises of a corporation necessary and proper to establish and maintain good schools for the education of the colored children within the district aforesaid, between the ages of 6 and 21 years, and shall have full control of all the real and personal property, which now belongs to the colored schools, as at present established, or which may hereafter belong to said district, and may, in the name aforesaid, maintain, prosecute and defend all suits in law and in equity which may be

Corporation

Powers.

## OF COLORED SCHOOLS.

necessary to protect the property of the said district, or to carry into effect the provisions of this act.

Time of organization.

Stated meetings how held.

Officers how appointed.

Pro rata share of State appropriation how drawn.

Assessment how made.

Treasurer may receive taxes.

SECTION 5. That on the first Monday of May, A. D. 1889, the said board, elected as provided in Section 1, shall meet and organize for the year by electing one of their number as president, and one as secretary. The board shall also hold stated meetings once every month, and special meetings at the call of the president or a majority of the board. The board shall have power to appoint a treasurer and also a collector of taxes, both of whom shall be required to give bond with security for the faithful performance of their duties, in such sums as the said board may determine. The treasurer and collector may or may not be members of the Board. The board shall also have power to appoint all other officers, agents and teachers that may be necessary, and to fix their compensation and to make by-laws, rules and regulations for their own government and for the schools.

SECTION 6. That the said board shall have the right to draw the pro rata share, which the school or schools of the said district shall be entitled to from the State appropriation to colored schools, by an order signed by the president and attested by the secretary, and shall have power to fix such sum in addition thereto as the said board may deem necessary to educate all the colored children in said district.

SECTION 7. It shall be the duty of the said board to make an assessment list for said district annually in the month of May. All real estate and personal property within said district owned by colored persons, shall be assessed according to a certain rate, and upon every hundred dollars of the estimated value of property assessed, if sold for cash, and so pro-rata. Every colored male person above the age of twenty-one years shall be rated for a capitation or poll tax in addition to the assessment of his real estate, at a capital not exceeding \$500 nor less than \$1.00; *Provided*, That no property used for religious purposes shall be assessed for school purposes. Upon the completion of the assessment and levy of the school tax in said district, said board shall determine the rate on every hundred dollars of the amount of the assessment list required to raise the sum levied with ten per centum added thereto for delinquencies and cost of collection. After determining the rate as aforesaid, it shall and may be lawful for the treasurer of said board to accept and receive the tax of

## OF COLORED SCHOOLS.

each and every person liable to pay the same, who shall tender the payment thereof before the 10th day of June in the year in which said tax is levied, and the said treasurer shall allow to each person so paying their tax within said time, an abatement of eight per centum upon said tax. It shall be the duty of said board, on the 10th day of June in each year, or as soon after that date as practicable, to execute and deliver their warrant, with duplicate of the uncollected assessment list, to a collector specially appointed by said board, to execute the said warrant. The said collector shall proceed in the manner and have all the powers of a collector of county taxes. The warrant shall be in the general form as prescribed in Chapter 42, Section 13, Revised Code.

Tax paid  
previous to  
June 10th.

Abatement  
of 8 per  
centum.

Collector to  
have same  
power as  
collector of  
county  
taxes.

SECTION 8. That it shall and may be lawful for said collector after demand made by him for the payment of the tax assessed against any person in said district, and the failure of said taxable to pay the same on demand, to attach any goods or chattels, rights or credits, money or wages, belonging or owing to said taxable, and the proceeding for so doing shall be the same as is prescribed in Chapter 354, Volume 16, Laws of Delaware.

Collector  
may attach  
goods, chat-  
tels, wages,  
&c.

SECTION 9. The collector shall, within ninety days after receiving the warrants, pay to the treasurer of said board the amount which he is required to collect, deducting delinquencies to be allowed by said board, and his fees, at the rate of ten per centum on the sum collected when it does not exceed fifty dollars, and eight per centum when it exceeds that sum, and said collector and his sureties, by virtue of his official bond, shall be liable thereon for every failure of duty and default in the premises; which bond shall be proceeded on at the instance of the said board.

Shall pay  
over money  
within  
90 days.

Percentage  
for collect-  
ing.

SECTION 10. If said collector shall fail to pay to said board the money collected by him on said warrant and due, said board may, if the amount does not exceed one hundred dollars, sue him, in the name of said board, before a Justice of the Peace residing in Kent County and recover the same.

Collector  
may be sued  
before a  
Justice of  
the Peace.

SECTION 11. At the election for a member of the Board of Directors, to be held on the last Saturday of April, A. D. 1890, and thereafter, all male colored persons residing in said district, who have paid the school tax for the preceding year, and no others, shall be entitled to vote at said elections. Any one voting illegally shall forfeit and pay a fine not ex-

Who may  
vote.

Illegal vot-  
ing, penalty

## OF COLORED SCHOOLS.

ceeding twenty-five dollars and be imprisoned for a term not exceeding three months.

*Passed at Dover, April 9, 1889.*

## CHAPTER 543.

## OF COLORED SCHOOLS.

AN ACT to authorize the Town Commissioners of Lewes to build a school-house for the use of the colored children of Lewes.

Preamble.

WHEREAS, The building now used by the colored children of Lewes for educational purposes is unfit for occupation and insufficient for the accommodation of the scholars of the colored schools of Lewes;

AND WHEREAS, The colored citizens of Lewes are and have been for many years past, taxed for the building of the "Lewes Union Schools," from which they receive no benefit;

AND WHEREAS, The colored people of said town are entitled as citizens of Lewes to a part of any income from the public lands lying around and about Lewes, but which has heretofore been expended for the first cost of Lewes Union Schools; therefore

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Town commissioners authorized to purchase a lot and build a school house for colored people.

Cost of lot and building.

SEC. 1. That the Town Commissioners of Lewes, or a majority of them, are hereby authorized and empowered, within one year from the passage of this act to purchase a suitable lot of ground situated in the town of Lewes and build thereon a school-house for the use of the colored children of said town according to conditions hereinafter enumerated. The cost of said lot and school-house not to exceed five hundred dollars (\$500.00).

To levy for two annual assessments

SEC. 2. *Be it enacted,* That the Town Commissioners of Lewes are authorized at each of the two annual assessments next after the passage of this act, to levy in addition the amount necessary for the current expenses of said town

## OF COLORED SCHOOLS.

the sum of two hundred and fifty dollars (\$250.00), to be applied as follows: additional tax of \$250.

SEC. 3. *Be it enacted*, That not more than one hundred dollars (\$100.00), of the amount provided for in Sec. 2 of this act be expended for the purchase of a lot in the town of Lewes, and that this lot be paid for in cash from the first annual assessment. Amount to be expended for a lot.

SEC. 4. *Be it enacted*, That the school-house erected upon the lot hereinbefore provided for shall not cost more than four hundred dollars (\$400.00). Building cost of.

That the residue and remainder of the first annual assessment after the payment for said lot shall be paid to the contractor or contractors in part payment for said school-house. For the remaining two hundred and fifty dollars (\$250.00), the said Town Commissioners are authorized and empowered to issue certificates of indebtedness to said contractor or contractors, the same to be paid for without interest, from the next annual assessment as hereinbefore provided for. Commissioners authorized to issue certificates of indebtedness.

SEC. 5. *Be it enacted*, The school-house provided for by this act shall be built by contract upon plans and specifications by said Town Commissioners and that said contract be awarded to the lowest and best bidder. School-house to be built by contract.

SEC. 6. *Be it further enacted*, That the school-house and lot provided for by this act be held in trust by said Town Commissioners for the use of the colored children of Lewes for school purposes and no other. School-house to be held in trust

*Passed at Dover, April 17, 1889.*

## OF COLORED SCHOOLS.

## CHAPTER 544.

## OF COLORED SCHOOLS.

AN ACT to incorporate the Colored Schools in Lewes.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch concurring therein):*

**SECTION 1.** That on and after the first day of September, A. D. 1889, the town of Lewes shall form a school district for colored school purposes, by the name of the "Lewes Colored Schools," and shall be governed by a Board of Directors, to be composed of three members, who shall be elected as hereinafter provided.

**SECTION 2.** That the qualified colored voters living within the limits of the district aforesaid, shall, on the last Saturday in April, A. D. 1890, elect three directors, one of whom is to serve for the period of one year, one for two years, and one for three years, and annually thereafter one director is to be elected for the term of three years as hereinafter provided.

**SECTION 3.** That a majority of the said board shall constitute a quorum, and any vacancy occasioned by non-election, death, resignation or otherwise, shall be filled by the said board; any member of the board absenting himself from its stated meetings for three successive meetings without sufficient excuse may have his seat declared vacant by the board, and the said board may elect a member in his place.

**SECTION 4.** That the members of the said board shall be a corporation by the name of "The Board of Directors of the Lewes Colored Schools," and by that name they, and their successors shall have perpetual succession, and shall have and possess all the powers, rights, privileges and franchises of a corporation necessary and proper to establish and maintain good schools for the education of the colored children within the district aforesaid, between the ages of six and twenty-one years, and shall have full control of all the real and personal property which now belongs to the colored schools as at present established, or which may hereafter belong to said district and may in the name aforesaid, maintain, prosecute and defend all suits at law or in equity which may be neces-

## OF COLORED SCHOOLS.

sary to protect the property of said district, or to carry into effect the provisions of this act.

SECTION 5. That on the first Monday of May, A. D. 1890, the said board, elected as provided in Section 1, shall meet and organize for the year by electing one of their number as president and one as secretary. The board shall also hold stated meetings once every month; and special meetings at the call of the president, or a majority of the board; the board shall also have power to appoint a treasurer and also a collector of taxes, both of whom shall be required to give bond with security for the faithful performance of their duties in such sums as the said board may determine. The treasurer and collector may or may not be members of the board. The board shall also have power to appoint all other officers, agents and teachers that may be necessary, and to fix their compensation, and to make by-laws, rules and regulations for their own government and for the schools.

Time of organization.

Power of appointment.

SECTION 6. That the said board shall have the right to draw the pro rata share which the school or schools of said district shall be entitled to from the State appropriation to colored schools by an order signed by the president and attested by the secretary, and shall have power to fix such sum in addition thereto, as the said board may deem necessary to educate all the colored children in said district.

State appropriation, how drawn.

SECTION 7. It shall be the duty of the said board to make an assessment list for said district annually in the month of May. All real estate within said district owned by colored persons shall be assessed according to a certain rate, and upon every hundred dollars of the estimated value of the property assessed, if sold for cash, and so pro rata. Every colored male person above the age of twenty-one years shall be rated for a capitation or poll tax in addition to the assessment of his real estate at a capital not exceeding \$500 nor less than \$100; *Provided*, that no property used for religious purposes shall be assessed for school purposes. Upon the completion of the assessment and levy of the school tax in said district said board shall determine the rate on every hundred dollars of the amount of the assessment list required to raise the sum levied with ten per centum added thereto for delinquencies and costs of collection. After determining the rate as aforesaid it shall and may be lawful for the treasurer of said board to accept and receive the tax of each and every person liable to pay the same who shall tender the payment thereof before the 10th day of June in the year in which said tax is levied,

Assessment, how and when made

Treasurer may receive taxes.



## OF COLORED SCHOOLS.

Warrant and duplicate when delivered to collector.

and the said treasurer shall allow to each person so paying their tax within said time an abatement of eight per centum upon said tax. It shall be the duty of said board on the roth day of June in each year, or as soon after that date as practicable, to execute and deliver their warrant, with duplicate of the uncollected assessment lists to a collector especially appointed by said board to execute the said warrant, the said collector shall proceed in the manner and have all the powers of a collector of county taxes. The warrant shall be in the general form as prescribed in Chapter 42, Section 13, Revised Code.

Power of collector.

SECTION 8. That it shall be and may be lawful for said collector after demand made by him for the payment of the taxed\* assessed against any person in said district; and the failure of said taxable to pay the same on demand to attach any goods or chattels, rights or credits, money or wages, belonging or owing to the said taxable, and the proceeding for so doing shall be the same as is prescribed in Chapter 354, Volume 16, Laws of Delaware.

Payment when to be made by collector.

Per cent.

SECTION 9. The collector shall within ninety days after receiving the warrant pay to the treasurer of said board the amount which he is required to collect, deducting delinquencies, to be allowed by the said board, and his fees, at the rate of ten per centum on the sum collected when it does not exceed fifty dollars, and eight per centum when it exceeds that sum, and said collector and his sureties, by virtue of his official bond shall be liable thereon for every failure of duty and default in the premises, which bond shall be proceeded on at the instance of the said board.

Upon default in payment of tax suit may be brought against the collector.

SECTION 10. If said collector shall fail to pay to said board the money collected by him on said warrant and due, said board may, if the amount does not exceed one hundred dollars, sue him in the name of said board before a Justice of the Peace residing in Sussex County and recover the same.

Exempt from the provisions of Chapter 48, Vol. 15, Del. Laws.

SECTION 11. That said district shall be exempted from the provisions of the 48th Chapter, Vol. 15, Laws of Delaware, providing for the levying of a tax by the Levy Court for the support of colored schools.

SECTION 12. At the election for a member of the board of directors to be held on the last Saturday of April, A. D. 1890, and thereafter after all male colored persons residing in

\*So enrolled.

## OF COLORED SCHOOLS.

said district who have paid the school tax for the preceding year, and no others, shall be entitled to vote at said elections. <sup>Who qualified to vote for directors</sup> Any one voting illegally shall forfeit and pay a fine not exceeding \$25, and be imprisoned for a term not exceeding three months.

*Passed at Dover, April 23, 1889.*

## CHAPTER 545.

## OF COLORED SCHOOLS.

AN ACT to incorporate the Colored Schools of Milford.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch concurring therein):*

SECTION 1. That on and after the first day of September, A. D. 1889, the town of Milford as now bounded, and the adjoining country for one mile in every direction, shall form a school district for colored school purposes by the name of the "Milford Colored Schools," and shall be governed by a board of directors to be composed of six members, who shall be elected as hereinafter provided. <sup>Boundaries of colored schools, district of Milford,</sup>

SECTION 2. That the qualified colored voters living within the limits of the district aforesaid shall on the last Saturday in April, A. D. 1889, elect six directors, two of whom are to serve for the period of one year, two for two years, and two for three years, and annually thereafter two directors are to be elected for the term of three years as hereinafter provided. <sup>Directors when elected.</sup>

SECTION 3. That a majority of the said board shall constitute a quorum, and any vacancy occasioned by non-election, death, resignation or otherwise, shall be filled by the said board; any member of the board absenting himself from its stated meetings for three successive meetings without sufficient excuse may have his seat declared vacant by the board, and the said board may elect a member in his place. <sup>Quorum. Vacancies how filled.</sup>

SECTION 4. That the members of the said board shall be a corporation by the name of "The Board of Directors of the <sup>Corporative powers.</sup>

## OF COLORED SCHOOLS.

Milford Colored Schools," and by that name they and their successors shall have perpetual succession and shall have and possess all the powers, rights, privileges and franchises of a corporation necessary and proper to establish and maintain good schools for the education of the colored children within the district aforesaid, between the ages of six and twenty-one years, and shall have full control of all the real and personal property which now belongs to the colored schools as at present established, or which may hereafter belong to said district, and may in the name aforesaid maintain, prosecute and defend all suits in law and in equity which may be necessary to protect the property of the said district or to carry into effect the provisions of this act.

**SECTION 5.** That on the first Monday of May, A. D. 1889, the said board, elected as provided in Section 1, shall meet and organize for the year by electing one of their number as president and one as secretary. The board shall also hold stated meetings once every month, and special meetings at the call of the president or a majority of the board. The board shall have power to appoint a treasurer and also a collector of taxes, both of whom shall be required to give bond with security for the faithful performance of their duties in such sums as the said board may determine. The treasurer and collector may or may not be members of the board. The board shall also have power to appoint all other officers, agents and teachers that may be necessary, and to fix their compensation and to make by-laws, rules and regulations for their own government and for the schools.

**SECTION 6.** That the said board shall have the right to draw the pro rata share which the school or schools of said district shall be entitled to from the State appropriation to colored schools by an order signed by the president and attested by the secretary, and shall have power to fix such sum in addition thereto as the said board may deem necessary to educate all the colored children in said district.

**SECTION 7.** It shall be the duty of the said board to make an assessment list for said district annually in the month of May. All real estate within said district owned by colored persons shall be assessed according to a certain rate, and upon every hundred dollars of the estimated value of the property assessed, if sold for cash, and so pro rata. Every colored male person above the age of twenty-one

## OF COLORED SCHOOLS.

years shall be rated for a capitation or poll tax, in addition to the assessment of his real estate, at a capital not exceeding \$500 nor less than \$100; *Provided*, that no property used for religious purposes shall be assessed for school purposes. Upon the completion of the assessment and levy of the school tax in said district said board shall determine the rate on every hundred dollars of the amount of the assessment list required to raise the sum levied with ten per centum added thereto for delinquencies and costs of collection. After determining the rate as aforesaid, it shall and may be lawful for the treasurer of said board to accept and receive the tax of each and every person liable to pay the same who shall tender the payment thereof before the 10th day of June in the year in which said tax is levied; and the said treasurer shall allow to each person so paying their<sup>\*</sup> tax within said time an abatement of eight per centum upon said tax. It shall be the duty of said board on the 10th day of June in each year, or as soon after that date as practicable, to execute and deliver their warrant with duplicate of the uncollected assessment lists to a collector specially appointed by said board to execute the said warrant, the said collector shall proceed in the manner and have all the powers of a collector of county taxes. The warrant shall be in the general form as prescribed in Chapter 42, Section 13, Revised Code.

Treasurer  
may receive  
taxes.

Warrant  
and dupli-  
cate when  
delivered to  
collector.

SECTION 8. That it shall be and may be lawful for said collector after demand made by him for the payment of the tax assessed against any person in said district, and the failure of said taxable to pay the same on demand, to attach any goods or chattels, rights or credits, money or wages belonging or owing to said taxable, and the proceeding for so doing shall be the same as is prescribed in Chapter 354, Volume 16, Laws of Delaware.

Powers and  
duties of  
collector.

SECTION 9. The collector shall within ninety days after receiving the warrant pay to the treasurer of said board the amount which he is required to collect, deducting delinquencies to be allowed by the said board, and his fees, at the rate of ten per centum on the sum collected when it does not exceed fifty dollars, and eight per centum when it exceeds that sum, and said collector and his sureties by virtue of his official bond shall be liable thereon for every failure of duty and default in the premises, which bond shall be proceeded on at the instance of the said board.

Payment  
when to be  
made by the  
collector.

Collector's  
per cent.

<sup>\*</sup>So enrolled.

## OF SCHOOLS.

Suit against  
collector  
may be  
brought.

SECTION 10. If said collector shall fail to pay to said board the money collected by him on said warrant and due, said board may if the amount does not exceed one hundred dollars, sue him in the name of said board, before a justice of the peace residing in Milford, and recover the same.

What prop-  
erty exempt  
from  
taxation.

SECTION 11. That said district shall be exempted from the provisions of the 48th Chapter, Vol. 15, Laws of Delaware, providing for the levying of a tax by the Levy Court for the support of colored schools.

Qualified  
voters.

SECTION 12. At the election for a member of the board of directors, to be held on the last Saturday of April, A. D. 1890, and thereafter all male colored persons residing in said district who have paid the school tax for the preceding year, and no others, shall be entitled to vote at said election. Any one voting illegally shall forfeit and pay a fine not exceeding \$25, and be imprisoned for a term not exceeding three months.

*Passed at Dover, April 24, 1889.*

## CHAPTER 546.

## OF SCHOOLS.

A FURTHER SUPPLEMENT to the act entitled "An Act to incorporate the Ferris Reform School."

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch thereof concurring therein):*

Name  
changed to  
Ferris In-  
dustrial  
School.

SECTION 1. That the name of the corporation created by the act entitled "An Act to incorporate the Ferris Reform School," passed at Dover, March 10, 1885, is hereby changed from "The Ferris Reform School" to "The Ferris Industrial School," by which last name the said corporation shall hereafter be known, and under such new name it shall be entitled to and shall hold, exercise and enjoy all the property, rights,

## OF THE PUBLIC HEALTH.

powers, privileges, franchises and immunities now and heretofore held and enjoyed by said corporation in any manner whatever.

*Passed at Dover, February 18, 1889.*

## CHAPTER 547.

## OF THE PUBLIC HEALTH.

AN ACT entitled an act to amend Chapter Twenty-one of Volume Sixteen of the Laws of Delaware.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met.*

SECTION I. That Section One of Chapter 21, of the Sixteenth Volume of the Laws of the State of Delaware, entitled "An Act to establish a State Board of Health for the State of Delaware," be amended as follows, to wit: by striking out the words "members of the Medical Society of Delaware" in the third line of said Section One and insert in lieu thereof the words, "duly qualified to practice medicine or surgery under the provisions of Chapter 69 of the Seventeenth Volume of the Laws of the State of Delaware; Chapter 35 of Volume Eighteen of the Laws of the State of Delaware, and Chapter 47 of the Revised Code of the State of Delaware as amended in the year eighteen hundred and seventy-four."

Section 1 of  
Chapter 21,  
Volume 16,  
amended.

*Passed at Dover, March 29, 1889.*

## OF THE PUBLIC HEALTH.

## CHAPTER 548.

## OF THE PUBLIC HEALTH.

AN ACT to amend Chapter 35 of Volume 18 of the Laws of Delaware, passed at Dover, March 20th, 1887.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Section 2  
amended.

Nothing to  
effect any  
other school  
of medicine

SECTION 1. That Section 2 of Chapter 35 of Volume 18 of the Laws of Delaware be, and the same hereby is amended by inserting after the word "State" in the fourth line of said Section and before the word "or" in the same line of said Section the words "a license issued by Board of Examiners of the Homeopathic Medical Society of Delaware State and Peninsula, under its corporate seal, signed by the president of said society and countersigned by the secretary thereof; *Provided, however,* that nothing herein contained shall be deemed or taken to apply or effect any other school of medicine other than Homeopathic, and applicants who are graduate and hold diplomas from some reputable Homeopathic college.

*Passed at Dover, April 25, 1889.*

## CHAPTER 549.

## OF THE PUBLIC HEALTH.

AN ACT to amend certain portions of the laws governing the Practice of Pharmacy in the State of Delaware.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Section 3 of  
Chapter 36,  
Volume 18,  
amended.

SECTION 1. Amend Section 3 of Chapter 36, Volume 18, Laws of Delaware, by striking out the word "one" where the same occurs in lines 6 and 10 of the said section and by inserting in lieu thereof the word "two."

## OF THE PUBLIC HEALTH.

SECTION 2. Further amend the said act by striking out all of Section 5 after the word "years" in line 11 and before the word "the" in line 17 of the said section and by inserting in lieu thereof the following: "*Provided*, That the term of office for the first five appointed shall be arranged by lot, so that the time of one shall expire on the first day of July of each year, and the vacancies so created, as well as all vacancies occurring, shall with recommendation aforesaid be filled by appointment by the Governor of a person or persons possessing like qualifications as his or their predecessor in office.

*Passed at Dover, April 25, 1889.*

## CHAPTER 550.

## OF THE PUBLIC HEALTH.

AN ACT to amend Chapter 21, Volume 16, Laws of Delaware, entitled, "An Act to establish a State Board of Health for the State of Delaware."

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. Amend the act, entitled, "An act to establish a State Board of Health for the State of Delaware," passed at Dover, March 13, 1879, by striking out the words "not to exceed \$100," in line 10 of Section 2 of the act, and insert in lieu thereof the following: "to be fixed by the board." Act to establish a State Board of Health amended.

Also amend the act by striking out in line seven of Section 7, the words "and approved by the Governor," and also strike out all of Section 7, after the word "provided," in line 7 thereof, and insert in lieu thereof the following: "That all the expenses of the said State Board of Health, including the salary of the secretary, shall not exceed in any one year the sum of five hundred dollars."

Further amend the act by adding the following Sections:

SECTION 8. The Secretary of the State Board of Health shall annually, in the month of November, present to the Auditor of Accounts all the books of the financial doings of the board, together with all vouchers for settlement. Financial transactions to be presented to Auditor of Accounts.



## OF THE PUBLIC HEALTH.

SECTION 9. Any person refusing, failing, or neglecting to perform the duties required of them under the provisions of the act as hereby amended, shall, upon conviction thereof before any Justice of the Peace of the County in which they shall reside, be fined not less than five, nor more than twenty-five dollars, together with costs.

Penalty for  
neglect of  
duty under  
this act.

*Passed at Dover, April 25, 1889.*

## TITLE SEVENTH.

Of the Poor, the Insane, Deaf and Dumb, and the Blind.

## CHAPTER 551.

## OF THE INSANE.

AN ACT to amend an act entitled An Act to provide for the Indigent Insane of the State of Delaware.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. That Section 2 of Chapter 92, Volume 18 of the Laws of Delaware, be and the same is hereby amended by adding at the close of said Section 2, the following words, to wit: It shall be the duty of the Governor of this State to make the written request as provided for and required in this section, within ten days after receiving notice from "The Trustees of the Poor" of either of the counties of this State, of the name or names of any insane person or persons, together with the name of the asylum, hospital or institution in any other State, to which any such insane person or persons may have been committed or removed as above mentioned.

Governor to make written request to the asylum of any other State.

*Passed at Dover, March 29, 1889.*

## OF THE INSANE.

## CHAPTER 552.

## OF THE INSANE.

AN ACT to amend Chapter 49, of the Revised Code, entitled "Of the Insane."

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

Chancellor  
may direct  
a specified  
sum to be  
expended.

SECTION I. That Section (5) of Chapter 49 be and the same is hereby amended, by inserting after the word "person" and before the word "and" in the eighth line of said section, the following words, viz.: "He may also direct the trustee to expend a specified sum for the support or benefit of the insane person; or for the repair or improvement of his real estate; and may also direct such portion of the wood or timber growing upon the land of the insane person, as may not be necessary for the use of the same, to be cut and sold for the same purpose."

*Passed at Dover, April 25, 1889.*

## CHAPTER 553.

## OF THE INSANE.

AN ACT in relation to a State Hospital for the Insane.

Preamble. WHEREAS, "The Trustees of the Poor of New Castle County" have recently erected a department for insane persons;

AND WHEREAS, It is proposed that the said Insane Department with all its appurtenances shall belong to and be controlled and managed by the State of Delaware, for the benefit of the State at large; now therefore,

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION I. That Lewis Thompson, Jno. J. Black, M. D.,  
State Board of Trustees. Nathaniel Williams and \_\_\_\_\_ of New Castle County,  
and Zebulon Hopkins, John B. Cooper and Jas. H. Wilson,

## OF THE INSANE.

M. D., of Kent County, and Alfred P. Robinson, Eli R. Sharp and Hiram R. Burton, M. D., of Sussex County, are hereby appointed and constituted the State Board of Trustees of the Insane Department; the first mentioned from each county shall serve for the period of one year, the second for two years and the third for three years. When the terms of the trustees herein mentioned shall expire their successors shall be appointed by the Governor for a term of three years. All vacancies shall be filled by the Governor for the residue of the term, but at no time shall all the members from each county be on State issues of the same political faith and opinion; and the trustees shall be distributed equally among the three counties of the State; *Provided*, that one of the three trustees from each of the counties shall be a physician in good standing. The said trustees of the insane shall receive for attendance at the Insane Hospital in performance of their duties for each meeting of the board of trustees each (trustee) four dollars, also three cents per mile going and returning. But no trustee of the Insane Hospital shall receive fees or compensation, as before provided, for attendance upon more than twelve meetings of the board as aforesaid in one year; one to be held monthly. Said compensation to be paid by the State.

Terms when  
to expire.

Governor to  
fill vacan-  
cies but at  
no time  
shall all  
members be  
of same  
politics.

Compensa-  
tion to  
trustees.

SECTION 2. The said Board of Trustees shall have sole and complete control and management of the State Insane Hospital, shall appoint physicians, stewards, matrons, nurses and all other necessary servants, and shall fix their terms of service as well as their pay or compensation; shall provide suitable food, raiment, medicine and all other things necessary for the comfort and improvement of the inmates of said Hospital.

To have  
complete  
control of  
hospital  
appoint  
officers, phy-  
sicians,  
matrons, &c

SECTION 3. The costs of the maintenance of the said State Hospital shall be borne by the State, and shall be paid by the treasurer of the State on orders drawn by the President of the said State Board of Trustees, attested by the Secretary of the said board. It shall be duty of the State Auditor to examine and audit the accounts of the said State Board of Trustees of the Insane Hospital once in every three months, when the said board shall produce proper vouchers for all orders drawn on the State Treasurer as aforesaid. The auditor shall also have at all times authority to inspect all books and papers relating to the affairs of the said Insane Hospital.

Cost of  
asylum to  
be borne by  
the State.

Auditor to  
examine  
accounts.

Auditor to  
have power  
to inspect  
books,

\*So enrolled.

## OF THE INSANE.

General Assembly to provide money to pay expenses. SECTION 4. The Legislature shall, at every biennial session thereof, provide an annual sum for the use and support of the said Insane Hospital, which sum shall be subject to orders drawn as aforesaid, and shall be paid out by the State Treasurer as aforesaid.

Trustees authorized to take, hold and receive property. SECTION 5. The said Board of Trustees of the State Insane Hospital is hereby authorized and empowered to take, receive and hold the above mentioned Insane Department erected by "The Trustees of the Poor of New Castle County" and lands adjoining the same, of not less than ten acres and the Board of "Trustees of the Poor of New Castle County," is hereby authorized and empowered to grant and convey to the said State Board of Trustees of the Insane Hospital, the land, and premises aforesaid, with the appurtenances, at and for the sum of seventy-five thousand dollars (\$75,000).

State to pay \$75,000 for buildings, &c.

SECTION 6. Any indigent insane person a citizen of the State shall be admitted to the said Insane Hospital upon the written order of any one of the trustees thereof, or upon the written order of any two Trustees of the Poor of either county, or by the Chancellor of the State as now provided by law. When any insane person shall be able, after a reasonable and proper provision is made for the support and education of his family, to support himself, he shall be liable for his support, and the said Board of Trustees of the Insane shall have the same power and authority to collect from him or out of his property and effects, the moneys necessary for his said support as are now given or that may hereafter be given to "The Trustees of the Poor" of the several counties of this State, and the said Board of Trustees of the Insane Hospital shall have the same power and authority to collect the same as are now given or that may hereafter be given to "The Trustees of the Poor" of the several counties.

May receive any insane from other States. SECTION 7. The said Board of Trustees of the Insane Hospital shall have full power and authority to receive any insane person from any other State, who shall be able to pay for their maintenance and support.

Division of property now held. SECTION 8. All details with reference to a division of such parts of the said property as are held and used in common by the Insane Department and the Department for the Poor, shall be determined and adjusted by the State Board of Trustees and the Trustees of the Poor of New Castle County.

Proof of insanity at SECTION 9. In all cases of application for the commitment of any person to the Hospital, the evidence and certifi-

## OF THE INSANE.

cate of at least two respectable physicians, based upon due inquiry and personal examination of the person to whom insanity is imputed, shall be required to establish the fact of insanity and a certified copy of the physicians' certificate shall accompany the person to be committed, together with the written order of the trustees or Chancellor as provided in Section 6 of this Act.

SECTION 10. That it shall and may be lawful for any person or persons, firm or corporation to give, grant, devise or bequeath to the said Insane Hospital any property, real, personal or mixed, and the said State Board of Trustees of the Insane are hereby authorized and empowered to receive, collect, take and hold for the use and behoof of the said Insane Hospital any and all property so given, granted, devised and bequeathed, and to manage and use the same for the benefit of the said Insane Hospital in accordance with the provisions of such grants, devises and bequests, and with the law creating and governing the said Insane Hospital.

SECTION 11. The said State Board of Trustees of the Insane is hereby authorized and empowered to take, receive and hold the building in Sussex County known as "The Insane Department" for that county; and the Board of Trustees of the Poor of Sussex County is hereby authorized and empowered to grant and convey to the said Board of Trustees of the Insane Hospital the building and appurtenances aforesaid, at and for the sum of eight thousand dollars.

*Passed at Dover, April 25, 1889.*

## TITLE EIGHTH.

Of the General Police.

## CHAPTER 554.

OF INNS OR TAVERNS.

AN ACT in relation to the licenses of deceased inn or tavern proprietors.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Adminis-  
trators and  
executors  
may trans-  
fer liquor  
licenses by  
consent of  
judge of  
court.

SECTION 1. That in case the proprietor of an inn or tavern licensed by the Courts of this State to sell intoxicating liquors, according to the laws of this State and who has paid into the State Treasury the legal license fees for the same, shall die before the expiration of said license, the executor or administrator of said deceased shall have the same right to assign, transfer and set over said license to an incoming tenant, with the approval of the Associate Judge residing in the County in which the license is granted, as the proprietor himself would have had the right to do if still living according to the provisions of Section 4, Chap. 381, Vol. 15, Laws of Delaware, which is an amendment to Chap. 418, Vol. 14, Laws of Delaware, entitled "An Act regulating the sale of Intoxicating Liquors."

*Passed at Dover, Delaware, January 30, 1889.*

## OF THE SALE OF INTOXICATING LIQUORS.

## CHAPTER 555.

## OF THE SALE OF INTOXICATING LIQUORS.

A FURTHER SUPPLEMENT to the act entitled An Act to regulate the sale of intoxicating liquors, passed at Dover, April 10, 1873.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, as follows:*

SECTION 1. That it shall be unlawful for any druggist to sell intoxicating liquors in any quantity or to any amount, without having first obtained a license to sell the same; and it shall likewise be unlawful for any druggist licensed to sell intoxicating liquors to sell the same otherwise than upon the written order or prescription of a regular practicing physician, which order or prescription shall state that such liquor is necessary for medicinal purposes, and such prescription or order shall not justify more than a single sale, and all such orders or prescriptions shall be pasted or fastened by said druggist in a suitable book or docket, and kept by him for the free inspection of the public. Any person violating the provisions of this Section, or either of them, shall be deemed guilty of a misdemeanor, and upon conviction by indictment shall forfeit and pay a fine of one hundred dollars for each offence.

Druggists to have license to sell liquor

Unlawful to sell except upon prescription of a physician.

Orders to be pasted in book and kept for free inspection.

Penalty for violating this law.

SECTION 2. The price of a license to keep an inn or tavern in cities or towns having ten thousand inhabitants and upwards, shall be three hundred dollars, and at all other places two hundred dollars. The price of a license to sell intoxicating liquors to a druggist shall be twenty dollars, and the price of such a license to a retailer of goods, wares, and merchandise, shall be one hundred dollars. The number of inhabitants for the purposes of this section, shall be ascertained from the last census preceding the application. In all cases where applications are pending at the passage of this act, the applicant may, on the first day of the term of the court, pay to the Clerk of the Peace such additional sum as shall be necessary to make up the price of the license by this section prescribed, with the like effect as if the whole sum had been paid thirty days before the Court.

Price of license for inn or tavern.

SECTION 3. The certificate now required by the liquor



## OF FISH, OYSTERS AND GAME.

Certificates to be signed by at least one-half freeholders. license laws of this State, shall from and after the passage of this act, be signed by at least one-half of said signers, substantial freeholders.

Persons licensed under this law shall not have screens, frosted windows, &c.

SECTION 4. Every person licensed under this act shall keep his principal place of business, so as to be seen fully and easily by passers-by, and shall not obstruct such view by screens, blinds, inside shutters, frosted glass, or any other device, of whatsoever kind or character. Any violation of this section shall be a misdemeanor, and upon conviction thereof shall forfeit his license, and pay a fine of not less than fifty nor more than one hundred dollars.

SECTION 5. That the provisions of any existing law inconsistent with this act, be and the same are hereby repealed.

SECTION 6. This act shall not go into effect until the first day of July, A. D. 1889, after which date it shall be in full force and virtue.

*Passed at Dover, April 24, 1889.*

## CHAPTER 556.

## OF FISH, OYSTERS AND GAME.

AN ACT for the protection of fish in the waters of Indian River, Rehoboth Bay, and the tributaries thereof.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Unlawful for any person to fish with less size bar than 1 1/2 inches in Indian River or Rehoboth Bay.

SECTION 1. That from and after the first day of July, 1889, it shall be unlawful for any person or persons to catch or take any fish in the waters of Indian River, Rehoboth Bay, or any tributaries thereof, by means of any drag seine of less size bar than one and one-eighth inches; and it shall also be unlawful for any person or persons to haul any drag seine of less size bar than one and one-eighth inches after the said first day of July, 1889, in any of the said waters of Indian River, Rehoboth Bay, or any tributaries thereof.

SECTION 2. That any person or persons violating any of

## OF FISH, OYSTERS AND GAME.

the provisions of this act shall be deemed guilty of a common nuisance, and upon conviction thereof, before any Justice of the Peace in this State, shall be fined ten dollars for each and every offence. Penalty for violating the law.

SECTION 3. That the Justices of the Peace in this State shall have plenary jurisdiction of all offences against the provisions of this act, and upon affidavit made that a person has violated any of the provisions of this act, it shall be the duty of any Justice of the Peace in the county in which the offense was committed forthwith to issue his warrant, directed to the sheriff or to any constable, commanding him to arrest any person so charged and to bring him forthwith before such justice for trial; and if upon such trial the said justice shall find that the person arrested has violated any of the provisions of this act, and such person shall fail to pay forthwith the fine imposed by said justice in accordance with the provisions of this act, together with the cost of prosecution, such person shall be committed by said justice to the custody of the sheriff for ten days, unless said fine and costs be sooner paid. Justices of the Peace to have jurisdiction

*Passed at Dover, March 7, 1889.*

## CHAPTER 557.

## OF FISH, OYSTERS AND GAME.

AN ACT to repeal Chapter 248, Volume 18, Part 1, Laws of Delaware, entitled "An Act in Relation to the Dredging of Oysters."

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. That Chapter 248, Volume 18, Part 1, of the Laws of Delaware, be and the same is hereby repealed. Chapter 248, Vol 18, Laws of Delaware repealed.

*Passed at Dover, March 29, 1889.*

## OF FISH, OYSTERS AND GAME.

## CHAPTER 558.

## OF FISH, OYSTERS AND GAME.

AN ACT for the protection and increase of Food Fish in Delaware Waters.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Unlawful to set stake nets for catching shad in certain limits.

SECTION 1. That from and after the passage of this act it shall be unlawful for any person or persons to set stake nets for catching shad anywhere along the shore of Delaware Bay within the following named limits, viz.: Commencing one mile North of Blackbird Creek on the North and extending one mile south of Mispillion River on the south and all included between these two points, and this prohibition also includes all creeks or rivers within these limits from the mouth to the headwaters of the same. Any person violating this provision shall be deemed guilty of a misdemeanor and upon conviction thereof, before any Justice of the Peace, or by indictment, shall be fined not less than ten nor more than fifty dollars with costs of prosecution, and in default of paying the same may be committed to the common jail of the county in which the offense is committed.

Violation of this section a misdemeanor.

To be fined upon conviction.

SECTION 2. It shall be unlawful to fish with float seines or other devices for catching shad, during the shad season within a half mile of the mouth of any creek or river within the limits named in Section One.

Unlawful to fish in certain waters from 12 o'clock meridian on Saturday until 12 o'clock on Monday.

SECTION 3. It shall not be lawful for any person or persons to fish either in the Bay or any of the creeks or rivers emptying into the Bay, within the limits described in Section One, from Saturday, 12 o'clock, meridian, until Monday, 12 o'clock, meridian. Any one fishing within these limits or placing any obstruction in the creeks or rivers to catch or prevent the fish ascending the streams during the time named in this section shall be deemed guilty of a misdemeanor and upon conviction thereof, before a Justice of the Peace, or by indictment, shall be fined not less than ten nor more than fifty dollars, with costs of prosecution.

## OF FISH, OYSTERS AND GAME.

SECTION 4. The season for fishing for shad shall close within the limits named in Section One on the twentieth day of May of each year. Season for shad fishing to close on May 20th.

SECTION 5. The Governor may appoint a policeman, residing in the vicinity of Bowers' Beach, whose duty it shall be to diligently inquire for violations of the provisions of this act, whether in the Bay, creeks or rivers, and when such are brought to his notice, it shall be his duty to prosecute the same and failing to do so may himself be fined for neglect of duty. His duty for this service shall commence on March twentieth and close on June first. He shall receive for his services two dollars per day, while employed. The fines, if any are collected, may be applied to the salary of the policeman as far as they will go, the balance to be paid from the revenue from oysters. Governor may appoint policeman. Constable's compensation.

*Passed at Dover, April 4, 1889.*

## CHAPTER 559.

## OF FISH, OYSTERS AND GAME.

AN ACT to amend Chapter 302, Volume 18, Laws of Delaware.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

That the words four hundred dollars in line four of said last resolution be and the same is hereby stricken out, and the words six hundred dollars be and the same is hereby substituted in lieu thereof. Chapter 302, Vol. 18, Laws of Delaware amended.

*Passed at Dover, April 4, 1889.*

## OF FISH, OYSTERS AND GAME.

## CHAPTER 560.

## OF FISH, OYSTERS AND GAME.

AN ACT to amend Section 3, Chapter 507, Volume XVII, Laws of Delaware, concerning the taking or killing of speckled brook trout and black bass.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Section 3,  
Chapter 507,  
Vol. 17,  
amended.

SECTION 1. That Section 3, Chapter 507, Volume XVII, Laws of Delaware, be, and the same is hereby amended, by striking\* the word "four" in the fourth line of said Section, and inserting in lieu thereof the word "six."

*Passed at Dover, April 4, 1889.*

## CHAPTER 561.

## OF FISH, OYSTERS AND GAME.

AN ACT for the protection of fish in New Castle County.

*Be it enacted by the Senate and House of Representatives of\* Delaware in General Assembly met:*

Unlawful to  
take black  
bass or trout  
at certain  
times.

Penalty.

SECTION 1. Any person who takes or catches any black bass or trout from any of the waters of New Castle County between the first day of November and the first day of June, in any year, shall pay a fine of five dollars for each fish so caught, taken or possessed, with costs of prosecution.

May be  
taken at  
any time  
for stocking  
purposes.

SECTION 2. A person engaged in the artificial culture or maintenance of fish, may take fish at any time for stocking ponds and creeks, and for no other purpose, and may grant permits in writing for other persons to capture fish for artificial propagation.

SECTION 3. A person who takes or catches from any of

\*So enrolled.

## OF FISH, OYSTERS AND GAME.

the waters of New Castle County any black bass or trout less than six inches in length and does not immediately return the same, with the least possible injury, to the waters from whence they were taken or caught, or has in his possession any black bass or trout, less than six inches in length, caught or taken from any of the waters of New Castle County, shall be fined not more than ten dollars for each fish so taken, caught or possessed; and the possession of any such fish shall be *prima facie* evidence that the same was caught or taken from the waters of New Castle County.

Certain fish to be returned to the waters.

Penalty for violating this provision.

SECTION 4. The penalties provided in the three preceding sections, and costs of suits for every such offense, shall be recoverable before a Justice of the Peace by an action of debt in the name of the State of Delaware as debts are now recoverable by law, one-half to be paid to the Delaware Rod and Reel Association, and the other half to the informer. If such fine or costs are not paid as herein provided, then such person or persons shall undergo an imprisonment in the County Jail for five days.

Penalties may be recovered before Justice of the Peace.

*Passed at Dover, April 11, 1889.*

## CHAPTER 562.

## OF FISH, OYSTERS AND GAME.

AN ACT in relation to the catching of oysters in certain creeks and rivers of this State.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. That from and after the passage of this act, it shall be unlawful to take or catch by means of tongs or in any manner whatsoever for the purpose of planting in Delaware Bay or for the purpose of selling for planting purposes in the Delaware Bay, any oysters from Leipsic River, formerly called Leipsic Creek, Dona River, also called Dona Creek, Simon's Creek, Mahon's River, St. Jones' River, Little Creek, Murderkill River and Mispillion River, or within a

Unlawful to catch oysters in certain creeks or river for planting purposes.

## OF FISH, OYSTERS AND GAME.

distance of three hundred yards of the mouths of the aforesaid Creeks or Rivers in the Delaware Bay.

Tax or  
license for  
taking oys-  
ters in cer-  
tain creeks  
or rivers.

Proviso.

SECTION 2. That it shall be unlawful for any person to catch or take by means of tongs or otherwise any oysters from any of the creeks or rivers named in Section 1 of this act or within the limits prescribed in said Section 1 unless he shall have paid to the Collector of Oyster Revenue the sum of five dollars for a license to take or catch oysters from said aforesaid creeks, rivers and limits described in Section 1 of this act, together with the further sum of fifty cents to the Collector as fee for issuing the same, and has received from said Collector a license therefor; *Provided, however,* That persons catching or taking oysters for family use shall not be compelled to take out a license therefor.

Unlawful to  
take for sale  
more than  
12 bushels  
at one time.

SECTION 3. That it shall be unlawful for any person to catch at any one time for the purpose of sale from any of the aforesaid creeks or rivers or from the limits prescribed in Section 1 of this act, any quantity of oysters exceeding twelve bushels.

Unlawful  
to catch  
oysters in  
certain  
waters be-  
tween the  
last day of  
June and  
1st of Sept.

In St. Jones  
creek and  
Murderkill  
river be-  
tween April  
15 and the  
1st of Oct.

Proviso.

SECTION 4. That it shall be unlawful for any person to catch or take any oysters in the following named creeks or rivers or within a distance of three hundred yards from the mouths of the said rivers and creeks hereinafter named into the Delaware Bay, to wit: Dona River or Dona Creek, Simon's Creek, Mahon's River, Leipsic River and Little Creek, between the last day of June and the first day of September, and in St. Jones' River and Murderkill River and within the limits prescribed in Section 1 of this act between the fifteenth day of April and the first day of October, and in Mispillion River and the limits prescribed by Section 1 of this act, between the fifteenth day of April and the first day of October; *Provided, however,* That citizens of this State, between the days specified, may catch or take for home consumption from Dona River or Dona Creek, Simon's Creek, Mahon's River, Leipsic River and Little Creek, a quantity of oysters, not exceeding two bushels at any one time.

License to  
be number-  
ed and con-  
tain name  
of person.

Boat also to  
have cor-  
responding  
number.

SECTION 5. Each license issued by the Collector, for the purpose aforesaid, shall be numbered and contain the name of the person to whom said license is issued and the boat used for the purpose of catching or tonging oysters for the purpose aforesaid, shall have a number corresponding to the number of said license issued to the owner of said boat, painted in

## OF FISH, OYSTERS AND GAME.

black upon the side of the boat above the water line in figures at least six inches long and one-half of an inch wide. The license so issued by the Collector shall authorize the use of one boat, and but one license shall be issued to one and the same person. The said license shall last only one year and must be renewed annually and the like sum as provided in Section 2 of this act must be paid at the time of each renewal.

Size of figure on boat.

Penalty for violating the provisions of this act.

SECTION 6. Any person or persons who shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than twenty-five dollars nor more than fifty dollars, and upon failure to pay said fine shall be imprisoned for a term not less than three nor more than six months. The Justices of the Peace of the counties of Kent and Sussex are clothed with jurisdiction to hear and determine all violations of this act, and the method and manner of procedure shall be the same as that prescribed in Chapter 5, Volume 18, Part 1, Laws of Delaware.

Justices of the Peace to have jurisdiction.

SECTION 7. That it shall be unlawful for any person directly or indirectly by himself, agent, employee, or any person whomsoever, to sell or in any manner dispose of any oysters, taken or caught from any of the creeks or rivers or within the limits named in Section 1 of this act, to any person, his agent or employee for the purpose of planting the same in the Delaware Bay. Any person so offending shall be deemed guilty of a misdemeanor, and upon conviction thereof, before any Justice of the Peace in Kent and Sussex counties, who are hereby clothed with jurisdiction to hear and determine all violations of this section and to impose fines and imprisonments, shall be fined not less than twenty-five nor more than fifty dollars, and upon failure to pay said fine and the costs imposed shall be imprisoned for a term not less than three nor more than six months for each and every offence.

Unlawful to dispose of oysters for planting purposes caught in the limits prescribed in Section 1 of this act.

Penalty for violating this section.

SECTION 8. Any person convicted before a Justice of the Peace for violation of any of the provisions of this act shall have a right of appeal to the Court of General Sessions of the Peace and Jail Delivery of the State of Delaware for the county in which the conviction occurs; *Provided*, that said appeal shall be taken in five days and that security shall be given to be approved by the Justice in double the amount of the fine and costs imposed by the said Justice, and upon such appeal being duly entered as in the case of other appeals in like cases it

Convicted person to have right of appeal.

Appeal to be taken in five days.



## OF FISH, OYSTERS AND GAME.

shall be the duty of the Attorney General to appear for the State and prosecute such case.

Revenue  
obtained by  
this act  
how applied

SECTION 9. The revenue obtained from the issuing of licenses under this act shall be applied in the same manner as the revenue obtained from the laws relating to the oyster revenue, and the same commissions allowed the collector under the laws now in force shall likewise be allowed the collector for monies collected under the provisions of this act.

Governor to  
have all  
licenses  
prepared  
under this  
act.

SECTION 10. That the Governor is hereby authorized to have prepared all licenses necessary to be issued under this act by the collector aforesaid.

SECTION 11. This shall be deemed and taken to be a public act, and all acts or parts of acts inconsistent herewith are hereby repealed.

*Passed at Dover, April 10, 1889.*

## CHAPTER 563.

## OF FISH, OYSTERS AND GAME.

AN ACT to amend Chapter 506, Vol. 17, Laws of Delaware.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Section 2 of  
Chap. 506,  
Volume 17,  
Delaware  
Laws  
amended.

SECTION 1. That Chapter 506, Volume 17, Laws of Delaware, be and the same is hereby amended by adding at the end of Section 2 thereof the following: "*Provided*, That the provisions of this section shall apply to those citizens of this State only who may desire to fish for sturgeon or with nets exceeding seventy-five (75) fathoms in length."

*Passed at Dover, April 16, 1889.*

## OF FISH, OYSTERS AND GAME.

## CHAPTER 564.

## OF FISH, OYSTERS AND GAME.

AN ACT for the protection of fish in Broadkill River, Sussex County, Delaware.

*Be it enacted by the Senate and House of Representatives\* in General Assembly met:*

SECTION 1. It shall be unlawful for any person or persons to haul, drift, or float any seines or nets longer than forty-two fathoms in the waters of Broadkill River or in the waters known as Broadkill Sound in Sussex County, Delaware, or use any other device to prevent fish from ascending said river into fresh water between the fifteenth of March and the first day of June for the purpose of catching shad, herring or any other kind of fish.

Length of  
seines in  
Broadkill  
river at  
certain  
dates.

SECTION 2. Any person or persons violating Section 1 of this act shall upon the oath or affirmation of any person or persons shall\* be arrested and be brought before any Justice of the Peace in said county, and upon proof and conviction thereof the said person or persons shall be fined a sum not less than ten dollars nor more than twenty dollars, and shall forfeit his seine and boat. Upon failure of paying such costs and fine, he shall be committed by said Justice to the custody of the sheriff until such fine and costs be paid. One-half of the fine to be paid to the informer, the other half to be paid to the clerk of the district in which the action is brought for the benefit of the free schools.

Penalty for  
violating  
Section 1 of  
this act.

*Passed at Dover, April 23, 1889.*

\*No enrolled.

## OF FISH, OYSTERS AND GAME.

shall be the duty of the Attorney General to appear for the State and prosecute such case.

Revenue  
obtained by  
this act  
how applied

SECTION 9. The revenue obtained from the issuing of licenses under this act shall be applied in the same manner as the revenue obtained from the laws relating to the oyster revenue, and the same commissions allowed the collector under the laws now in force shall likewise be allowed the collector for monies collected under the provisions of this act.

Governor to  
have all  
licenses  
prepared  
under this  
act.

SECTION 10. That the Governor is hereby authorized to have prepared all licenses necessary to be issued under this act by the collector aforesaid.

SECTION 11. This shall be deemed and taken to be a public act, and all acts or parts of acts inconsistent herewith are hereby repealed.

*Passed at Dover, April 10, 1889.*

## CHAPTER 563.

## OF FISH, OYSTERS AND GAME.

AN ACT to amend Chapter 506, Vol. 17, Laws of Delaware.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Section 2 of  
Chap. 506,  
Volume 17,  
Delaware  
Laws  
amended.

SECTION 1. That Chapter 506, Volume 17, Laws of Delaware, be and the same is hereby amended by adding at the end of Section 2 thereof the following: "*Provided*, That the provisions of this section shall apply to those citizens of this State only who may desire to fish for sturgeon or with nets exceeding seventy-five (75) fathoms in length."

*Passed at Dover, April 16, 1889.*

## OF FISH, OYSTERS AND GAME.

## CHAPTER 564.

## OF FISH, OYSTERS AND GAME.

AN ACT for the protection of fish in Broadkill River, Sussex County, Delaware.

*Be it enacted by the Senate and House of Representatives\* in General Assembly met:*

SECTION 1. It shall be unlawful for any person or persons to haul, drift, or float any seines or nets longer than forty-two fathoms in the waters of Broadkill River or in the waters known as Broadkill Sound in Sussex County, Delaware, or use any other device to prevent fish from ascending said river into fresh water between the fifteenth of March and the first day of June for the purpose of catching shad, herring or any other kind of fish.

SECTION 2. Any person or persons violating Section 1 of this act shall upon the oath or affirmation of any person or persons shall\* be arrested and be brought before any Justice of the Peace in said county, and upon proof and conviction thereof the said person or persons shall be fined a sum not less than ten dollars nor more than twenty dollars, and shall forfeit his seine and boat. Upon failure of paying such costs and fine, he shall be committed by said Justice to the custody of the sheriff until such fine and costs be paid. One-half of the fine to be paid to the informer, the other half to be paid to the clerk of the district in which the action is brought for the benefit of the free schools.

*Passed at Dover, April 23, 1889.*

\*So enrolled.

## OF FISH, OYSTERS AND GAME.

## CHAPTER 565.

## OF FISH, OYSTERS AND GAME.

## AN ACT in relation to game.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Sections 9  
and 10 of  
Chapter  
507, Vol. 17,  
by inserting  
between the  
words "accord-  
ingly" and "if"  
in the thirty-  
sixth (36) line  
of said Section  
9 the following  
words: "Provided,  
That nothing  
herein contained  
shall prevent  
any citizen of  
this State from  
shipping or taking  
from this State  
into any other  
State, or from  
any county in  
this State into  
any other county,  
any of the birds  
or animals men-  
tioned in this  
act to the number  
of one dozen or  
less at any one  
time without  
requiring any  
license to be  
taken out or  
any affidavit to  
be made as a  
prerequisite  
thereto. Also  
amend Section  
10 of said act  
by inserting  
between the  
words "act" and  
"and" in the  
eleventh line  
thereof the  
words "or the  
number so  
transported be  
one dozen or  
less and shipped  
by a citizen of  
this State."

SECTION 1. That Section nine (9) of Chapter 507, Volume 17 of Laws of Delaware, be and the same is hereby amended by inserting between the words "accordingly" and "if" in the thirty-sixth (36) line of said Section 9 the following words: "Provided, That nothing herein contained shall prevent any citizen of this State from shipping or taking from this State into any other State, or from any county in this State into any other county, any of the birds or animals mentioned in this act to the number of one dozen or less at any one time without requiring any license to be taken out or any affidavit to be made as a prerequisite thereto. Also amend Section 10 of said act by inserting between the words "act" and "and" in the eleventh line thereof the words "or the number so transported be one dozen or less and shipped by a citizen of this State."

SECTION 2. *Be it further enacted,* That Section 2 of Chapter 100, Volume 18, Laws of Delaware, be and the same is hereby repealed and stricken out of said Chapter 100 of Volume 18, Laws of Delaware.

*Passed at Dover, April 25, 1889.*

## OF MUSKRATS.

## CHAPTER 566.

## OF MUSKRATS.

## AN ACT for the protection of Muskrats.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SEC. 1. That it shall be unlawful for any person within this State to take, kill or capture by any means whatever, any muskrat or muskrats between the tenth day of April and the fifteenth day of November in any year, and any person so offending against the provisions of this act shall be deemed guilty of a common nuisance, and upon conviction thereof before any Justice of the Peace in this State shall be fined five dollars for each and every offense; and if such person shall fail or refuse to pay such fines and costs, the said Justice shall forthwith commit him to the custody of the sheriff until the same shall be paid. One-half of said fine to the use of the State, the other half to the use of the informer, and any person having such muskrats in his possession shall be deemed to have taken, killed or captured the same in violation of the provisions of the act, unless the contrary be proved. *Provided, however,* that this act shall not apply to taking or killing muskrats on any improved or embanked marsh. This act shall not apply to New Castle or Sussex Counties.

Unlawful to kill muskrats between April 10 and Nov. 15.  
Penalty \$5 for each offence.  
May be imprisoned  
One-half of fine to informer.  
Possession evidence of killing.  
Proviso.  
Applicable to Kent county only

SEC. 2. That all acts or parts of acts inconsistent with this act are hereby repealed.

SEC. 3. This act shall be deemed and taken to be a public act.

*Passed at Dover, Delaware, February 18, 1889.*

## OF MUSKRATS.

## CHAPTER 567.

## OF MUSKRATS.

AN ACT for the protection of Muskrats within New Castle County.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Unlawful to  
kill musk-  
rats in New  
Castle Co.  
between  
March 15  
and Dec. 1.

Penalty \$5  
for each  
offense.

May be  
imprisoned

One-half of  
fine to  
informor  
possession  
evidence of  
killing.

Proviso.

SECTION 1. That it shall be unlawful for any person within New Castle County to take, kill or capture by any means whatever, any muskrat between the fifteenth day of March and the first day of December in any year; and any person offending against the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof before any Justice of the Peace shall be fined five dollars for each muskrat so taken, killed or captured, and if such person shall fail or refuse to pay such fine and costs, the said Justice shall forthwith commit him to the custody of the sheriff until the same are paid, one-half of said fine for the use of the State, the other half for the informer; and every person having such muskrat in his possession, shall be deemed to have taken, killed or captured the same in violation of the provisions of this act, unless the contrary be proved; *Provided, however*, this act shall not apply to the taking or killing muskrats on any embanked or improved marsh.

*Passed at Dover, March 7, 1889.*

## OF MUSKRATS.

## CHAPTER 568.

## OF MUSKRATS.

AN ACT for the protection of Muskrats in Sussex Co.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. That it shall be unlawful for any person with-  
in this State to take, kill or capture by any means whatever  
any muskrat or muskrats between the thirtieth day of March  
and the first day of December in any year, and any person so  
offending against the provisions of this act shall be deemed  
guilty of a common nuisance, and upon conviction thereof  
before any Justice of the Peace in this State, shall be fined  
five dollars for each and every offense; and if such per-  
son shall fail or refuse to pay such fines and costs, the said  
Justice shall forthwith commit him to the custody of the  
sheriff until the same shall be paid. One-half of said fine to  
the use of the State, the other half to the use of the informer,  
and any person having such muskrat in his possession shall  
be deemed to have taken, killed or captured the same in vio-  
lation of the provisions of this act, unless the contrary be  
proved; *Provided, however,* that this act shall not apply to  
taking or killing muskrats on any improved or embanked  
marsh, mill pond or branch.

Unlawful to  
kill musk-  
rats be-  
tween  
March 30  
and Dec. 1.

Penalty \$5  
for each  
offense.

May be  
imprisoned.

One-half of  
fine to  
informer.  
Possession  
evidence  
of killing.

Provide.

This act shall not apply to New Castle or Kent counties.

SECTION 2. That all acts or parts of acts inconsistent with  
this act are hereby repealed.

SECTION 3. This act shall be deemed and taken to be a  
public act.

*Passed at Dover, April 19, 1889.*



## OF STRAYS.

## CHAPTER 56c.

## OF STRAYS.

AN ACT to prevent Live Stock from running at large in School Districts Nos. 24 and 159, in Sussex County.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Unlawful  
for live  
stock to run  
at large in  
School Dis-  
tricts Nos.  
25 and 154,  
Sussex Co.

SECTION 1. That from and after the passage of this act it shall not be lawful for any live stock to run on the public highways within the limits of School Districts Number 24 and 159, in Sussex County.

May be  
impounded.

Fine and  
charges.

SECTION 2. That it shall be lawful for any person in the said School Districts Number 24 and 159, in Sussex County to take up any live stock running on the public highways in said School Districts Number 24 and 159 and impound the same and they shall have the right to demand and receive one dollar for every animal so taken up, and twenty-five cents per head for every day such animals are kept, and may hold the same until all legal charges are paid.

Damages.

Damages  
and charges  
to be paid  
before  
delivery.

SECTION 3. That in case any damage or damages may have been sustained by reason of stock running at large in said districts, any Justice of the Peace of the County may, upon application of the person damaged, appoint three substantial freeholders to estimate the said damage or damages, which, together with the legal charges for keeping said stock, shall be paid by the person or persons claiming the same before the same is delivered.

Stock un-  
claimed in  
30 days to be  
advertised.

Ten days  
previous to  
said notices  
to be posted  
in districts

Surplus  
proceeds to  
be deposited  
with Justice  
of the Peace

Shall hold  
surplus one  
year unless

SECTION 4. That in case the said stock is not claimed, and all just charges are not, in accordance with this act, satisfied within thirty days, the person or persons having said stock in charge, shall advertise the same at public sale, by not less than five written or printed notices, posted for at least ten days previous to said sale in five conspicuous places in the districts in which said stock was taken up, at the expiration of which time he or they shall proceed to sell the same, the proceeds of which sale, after deducting all just charges and expenses shall be deposited with some Justice of the Peace in said county, who shall hold the same for one year, if not sooner claimed by some person who shall prove,

## OF STRAYS.

to the satisfaction of the Justice, that they are the real owner or owners of said stock, if not so claimed, it shall be subject to and paid over on the order of the Clerk of the school district in which said stock was taken up, to be devoted to the school purposes of said district.

SECTION 5. That nothing in this act shall be construed to prevent any person from proceeding under the general law concerning strays.

*Passed at Dover, Delaware, February 12, 1889.*

## CHAPTER 570.

## OF STRAYS.

AN ACT to prevent live stock from running at large in School District No. 22, in Sussex County.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. That from and after the passage of this act, it shall not be lawful for any live stock to run at large within the limits of School District No. 22 in Sussex County.

SECTION 2. It shall be lawful for any person in said school district to take up any live stock running at large within the limits of said district and impound the same, and any person so doing shall have the right to demand and receive one dollar for every animal so taken up, and twenty-five cents per head for every day such animals are kept, and may retain the same until all legal charges are paid.

SECTION 3. That in case any damages may have been sustained by reason of stock running at large, any Justice of the Peace of the county may upon the application of the person damaged, appoint three suitable freeholders to estimate said damages, which, together with the legal charges for keeping said stock shall be paid by the person claiming the same before the same is delivered.

## OF STRAYS.

**SECTION 4.** That in case the said stock is not claimed, and all just charges are, in accordance with the act, satisfied within thirty days, the person having said stock in charge shall advertise the same at public sale, by not less than five written or printed notices, posted for at least ten days previous to said sale in five conspicuous places in the district in which said stock was taken up, at the expiration of which time they shall proceed to sell the same, the proceeds of which sale, after deducting all just charges, shall be deposited with some Justice of the Peace in said county, who shall hold the same for one year, if not sooner claimed by some person who shall prove to the satisfaction of the Justice that they are the owner or owners of said stock; if not so claimed, it shall be subject to and paid over on the order of the Clerk of the School District in which said stock was taken up, to be devoted to the school purposes of said district.

**SECTION 5.** That nothing in this act shall be construed to prevent any person from proceeding with such cattle or other stock as provided in the general law concerning strays.

*Passed at Dover, April 3, 1889.*

## CHAPTER 571.

## OF STRAYS.

AN ACT to prevent live stock from running at large in School District No. 49, in New Castle County.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*

**SECTION 1.** That from and after the passage of this act it shall be unlawful for any live stock to run at large within the limits of School District No. 49, in New Castle County.

**SECTION 2.** That it shall be lawful for any person in the said school district to take up any live stock running on the highways in the said school district and impound the same, and they shall have the right to demand and receive one dollar for every animal so taken up, and twenty-five cents per

Stock un-  
claimed in  
30 days to be  
advised.  
Notices to  
be posted in  
districts 10  
days prior  
to sale.

Surplus pro-  
ceeds to be  
deposited  
with Justice  
of the Peace

Shall hold  
surplus one  
year unless  
sooner  
claimed.

If unclaim-  
ed to be for  
use of dist.

May pro-  
ceed under  
general law  
of strays.

Unlawful  
for stock to  
run at large  
in School  
District No.  
49, New  
Castle Co.

May be im-  
pounded.

Fine and  
charges.

## OF STRAYS.

head for every day such animals are kept, and may retain the same until all legal charges are paid.

SECTION 3. That in case any damages may have been sustained by reason of stock running at large, any Justice of the Peace of the county aforesaid may upon application of the person damaged, appoint three suitable persons to estimate the said damages; which, together with the legal charge for keeping said charge, shall be paid by the person claiming the same before the same is delivered. Damages. Damages and charges to be paid before delivery.

SECTION 4. That in case any live stock so taken is not claimed and all just charges are not in accordance with this act satisfied within thirty days, the person having said live stock in charge shall advertise the same at public sale, by not less than three written or printed notices, posted for at least ten days previous to the said sale, in three conspicuous places in the district in which said live stock was taken up; at the expiration of which time, they shall proceed to sell the same, the proceeds of which sale, after deducting all just charges, shall be deposited with some Justice of the Peace in said County, who shall hold the same for one year, if not sooner claimed by some person, who shall prove to the satisfaction of the Justice of the Peace that he or she was the real owner of the live stock so sold, and if not so claimed, it shall be subject to and paid over to the order of the Clerk of the said school district to him and appropriated and applied for the benefit of the free school in the said district. If unclaimed within 30 days to be advertised. Notices to be posted in district 10 days previous to sale. Surplus proceeds to be deposited with Justice of the Peace. Surplus held one year unless sooner claimed. Unclaimed surplus to be for use of district.

*Passed at Dover, April 4, 1889.*

## CHAPTER 572.

## OF STRAYS.

AN ACT "prevent live stock from running at large in School District No. 141, in Baltimore Hundred, Sussex Co.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION I. That from and after the passage of this act, it shall not be lawful for any live stock to run at large within the limits of School District No. 141 in Baltimore Hundred, Sussex County. Unlawful for stock to run at large in School District No. 141, Sussex county.

\*So enrolled.

## OF STRAYS.

May be im-  
pounded.

SECTION II. It shall be lawful for any person in said school district to take up any live stock running at large within the limits of said district and impound the same, and any person so doing shall have the right to demand and receive one dollar for every animal so taken up, and twenty-five cents per head for every day such animals are kept, and may retain the same until all legal charges are paid.

Fine and  
charges.

Damages.

Damages  
and charges  
to be paid  
before de-  
livery.

SECTION III. That in case any damages have been sustained by reason of stock running at large, any Justice of the Peace of the county may, upon the application of the person damaged, appoint three suitable freeholders to estimate said damages, which, together with all the legal charges for keeping said stock, shall be paid by the person claiming the same before the same is delivered.

If unclaim-  
ed in 30  
days to be  
advertised.  
Notices to  
be posted in  
district 10  
days prior  
to sale.

Surplus  
proceeds to  
be deposit-  
ed with  
Justice of  
the Peace.

Surplus  
held one  
year unless  
sooner  
claimed.

Unclaimed  
surplus to  
be for use  
of district.

SECTION IV. That in case the said stock is not claimed, and all just charges are, in accordance with this act, satisfied within thirty days, the person having said stock in charge shall advertise the same at public sale by not less than\* than five written or printed notices, posted for at least ten days previous to said sale in five conspicuous places in the district in which said stock was taken up, at the expiration of which time they shall proceed to sell the same, the proceeds of which sale, after deducting all just charges, shall be deposited with some Justice of the Peace in said county, who shall hold the same for one year, if not sooner claimed by some person who shall prove to the satisfaction of the Justice that they are the owner or owners of said stock; if not so claimed, it shall be subject to and paid over on the order of the Clerk of the School District in which said stock was taken up, to be devoted to the school purposes of said district.

May pro-  
ceed under  
general law  
of strays.

SECTION V. That nothing in this act shall be construed to prevent any person from proceeding with such cattle or other stock as provided in the general law concerning estrays.

*Passed at Dover, April 10, 1889.*

\*So enrolled.

## OF STRAYS.

## CHAPTER 573.

## OF STRAYS.

AN ACT to prevent live stock from running at large in School Districts Nos. 45 and 46 in New Castle County.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. That it shall not be lawful, from and after the passage of this act, for any live stock to run at large within the limits of the United School District Numbers 45 and 46 in New Castle County.

Unlawful for live stock to run at large in School Districts Nos. 45 and 46 New Castle county. Sections 2, 3 and 4. Chap. 108. Vol. 17, page 166, Laws of Delaware in force.

SECTION 2. That the provisions of Sections 2, 3 and 4 of Chapter 108, Volume 17, of the Laws of Delaware, shall, upon the passage of this act, be and remain in full force and effect in said above named districts Nos. 45 and 46 in said county.

*Passed at Dover, April 17, 1889.*

## CHAPTER 574.

## OF ROADS AND BRIDGES.

AN ACT in relation to road taxes in Blackbird Hundred, New Castle County.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. That from and after the passage of this act, it shall not be lawful for the Road Commissioners of Blackbird Hundred to levy and collect more than the sum of two thousand dollars, exclusive of delinquencies and commissions, in any one year, for the making and repairing of roads and bridges.

Road commissioners of Blackbird Hd., New Castle county prohibited from raising more than \$2,000.

## OF ROADS AND BRIDGES.

No part of said sum to be used to repair roads between 1st and April 15 in any year. SECTION 2. That no part of said sum shall be expended for the making and repairing of roads and bridges between the 1st day of October in any one year and the 15th day of April in the ensuing year unless required by some pressing necessity.

*Passed at Dover, March 8, 1889.*

## CHAPTER 575.

## OF ROADS AND BRIDGES.

AN ACT to amend Sec. One, Chapter 85, Vol. 16, Laws of Delaware, entitled An Act in relation to the Road Commissioners of Red Lion Hundred.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Section 1 of Chap. 85, Volume 16, Laws of Delaware amended.

That Section first of Chapter 85, Vol. 16, Laws of Delaware, be and the same is hereby amended by inserting in line four of said section after the word than and before the word on in said line, the words fifteen cents for the period of three years from the date of the passage of this act, thereafter the said road commissioners shall not levy or collect a greater sum than ten cents upon each hundred dollars of the assessment.

*Passed at Dover, March 20, 1889.*

## OF ROADS AND BRIDGES.

CHAPTER 57<sup>1</sup>.

## OF ROADS AND BRIDGES.

AN ACT appointing freeholders to lay out a public road from the town of Stanton in Mill Creek Hundred to the City of Wilmington.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. That Reuben Satherthwaite, William B. Cranston, Arnold Naudain, Jr., Alexander W. Everson, Charles M. Groome, Joseph H. Gould and John A. Cranston judicious and impartial citizens of New Castle County, be and they are hereby appointed to go upon and view the premises and determine whether there is need of a new public road in the county aforesaid, to commence at or near the town of Stanton in Mill Creek Hundred and run thence in an easterly direction to the town of Newport and thence to the City of Wilmington, and if the said freeholders, or a majority of them, shall determine that there is need of such a new public road as above mentioned, then they shall with the assistance of some skillful surveyor to be by them employed, lay out such public road as shall be most proper and shall make a map of said road showing the courses and distances, and shall assess the damages to the property through which the said road shall pass, and shall compute the costs of opening and making such road.

Commissioners appointed.  
Location.  
Surveyor.  
Plot or map  
Computation of the cost.

SECTION 2. That the map and returns so to be made as aforesaid by the Commissioners shall be returned to the Clerk of the Peace in and for New Castle County, to be by him laid before the Levy Court and the said Levy Court may establish the said road by paying such damages and costs as may have been assessed by said proceedings, and when the said road may have been so returned and established by the Levy Court of New Castle County, the same shall be and remain subject to the same regulations as other public roads or highways in the aforesaid county.

Return to the Clerk of the Peace to be laid before the Levy Court.

SECTION 3. That the said commissioners and surveyor shall before performing the duties here assigned them, be sworn or affirmed to perform the duties incumbent upon them according to this act, faithfully and impartially to the best of

Commissioners and surveyor to be qualified



## OF ROADS AND BRIDGES.

their skill and judgment and for such services they shall receive the sum of one dollar each for each day they may be engaged in the aforesaid duties.

Compensation to commissioners and surveyor.

SECTION 4. That this act shall be deemed and taken to be a public act.

Public act.

*Passed at Dover, April 18, 1889.*

## CHAPTER 577.

## OF ROADS AND BRIDGES.

AN ACT to change and straighten a part of a public road in Blackbird Hundred, New Castle County, leading from Collins' Beach to Taylor's Bridge.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. That Geo. L. Townsend, Thomas J. Middleton, Andrew W. Webster, Auley Hill and Elias N. Moore, be authorized, empowered and directed to go upon and view the lands and premises and determine whether it is necessary for the public convenience to change and straighten part of the public road leading from Collins' Beach to Taylor's Bridge, as follows:

Commissioners appointed.

Location.

Beginning at a point in the present road leading to Taylor's Bridge about seven hundred feet northward from the point where said road intersects with the road leading to Collins' Beach; thence north twenty-two degrees, eight minutes west, passing through lands of Franklin Collins, George C. Rothwell, National Dredging Company and Benjamin David five thousand three hundred and sixty-three feet, more or less, to a point in said first mentioned road leading to Taylor's Bridge.

If the said commissioners shall determine that the public convenience requires that the said public road shall be changed and straightened as aforesaid, then they shall, with the assistance of a skillful and impartial surveyor, by them to be

Surveyor employed.

## OF ROADS AND BRIDGES.

employed, locate and lay down the same in such manner as to them shall seem most advantageous to the public and the least detrimental to individuals; and they shall cause a plot thereof to be made showing the courses and distances, with notes of the most remarkable places; and shall assess the damages of every the owners or holders of lands and premises on occasion of the changing and straightening of the said part of the said public road as aforesaid, and shall make a computation of the costs of changing and straightening the same, setting down the several items of said costs.

Plot to be made.

Damages assessed.

SECTION 2. That the said plot, together with the returns of the said commissioners, shall be returned and filed in the office of the Clerk of the Peace in and for New Castle County, to be by him laid before the Levy Court of the said county at its regular session or any adjourned session thereof, and if approved by the Levy Court then the said Levy Court of said county shall confirm the said plot and returns of the said commissioners and shall settle and pay the costs of changing and straightening the same, and shall pay the damages which may be assessed by the said commissioners, and shall pay the legal charges of the commissioners, surveyors, &c., as other similar expenses are paid. When the said plot and returns shall have been approved and confirmed that part of said public road so changed and straightened as hereinbefore provided, shall be and remain subject to the same laws and regulations applicable to public roads in New Castle County.

Plot and return to be filed in the office of Clerk of the Peace.

Levy Court shall confirm said plot and return.

SECTION 3. That the parts of the said public road supplied by the changing and straightening thereof, as hereinbefore provided, shall be vacated and may be taken in and enclosed by the owner or owners whose lands they adjoin or pass through.

Parts of road supplied to be vacated.

SECTION 4. That the said commissioners, before performing the duties enjoined upon them by this act, shall be severally sworn or affirmed to perform their duties faithfully and impartially and with fidelity, and the surveyor to perform the services required of him faithfully, impartially and with fidelity, according to the best of his skill and judgment, which oath or affirmation may be taken before any Notary Public or any Justice of the Peace in and for New Castle County; and the acts of a majority of the said commissioners shall be as valid as if concurred in by all of them; and in case of any vacancy or vacancies, another or other commis-

Oath.

## OF ROADS AND BRIDGES.

sioners may be appointed by the remaining commissioner or commissioners to supply such vacancy or vacancies.

SECTION 5. That this act shall be deemed and taken to be a public act.

*Passed at Dover, April 19, 1889.*

## CHAPTER 578.

## OF ROADS AND BRIDGES.

AN ACT to amend Chapter 121 of Volume 18 of the Laws of Delaware.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. That the act entitled "An Act to encourage the improvement of the public roads and to provide for the maintenance thereof in New Castle County" passed at Dover March 28th, 1887, being Chapter 121 of Volume 18 of the Laws of Delaware, be and the same is hereby amended as follows, to wit:

By striking out the whole of Section 1 and inserting in lieu thereof the following, to wit:

Persons improving public roads by broken stone may employ agent.

When.

Agent to have exclusive control.

In case of disagreement of

"SECTION 1. That whenever any person or persons, at their own expense, have heretofore improved or may hereafter improve any public road in New Castle County, by grading and covering the same with paving stone or broken stone, or both, for a continuous length of not less than one-half of a mile and for the width of not less than twenty feet it shall be lawful for the owner or owners of the property which borders upon such part of said road as is improved as aforesaid, to appoint an agent for the purpose of maintaining and keeping said road, so far as the same is improved as aforesaid, in good condition, and the said agent shall have the exclusive charge and superintendence thereof, subject to the direction of those appointing him. If the property of more than one person borders upon such part of said road as is improved as aforesaid, and said owners cannot agree upon the appointment of

## OF ROADS AND BRIDGES.

said agent, then the owner or owners who pay more than one-half of the road tax, applicable under the provisions of this act to the maintenance of said road, so far as the same is improved as aforesaid, shall appoint said agent. The appointment of said agent shall be in writing and signed by the owner or owners making the appointment as aforesaid, and the owner or owners not joining therein shall not be liable for the acts of said agent. The said agent shall be appointed for such term as the owner or owners appointing him shall determine; *Provided*, said term does not exceed one year. In case of the death, resignation or inability of said agent at any time, to serve, the said owner or owners shall in manner aforesaid, choose his successor. The costs and expenses incurred in the maintenance of said road as aforesaid shall be paid by the road commissioners of the Hundred wherein said road, so far as the same is improved as aforesaid, is located by warrants drawn upon them by said agent accompanied with the receipts and vouchers for the work done or materials furnished for such maintenance. The word "maintenance" as herein used shall mean any work done or materials furnished for use upon such part of said road as is improved as aforesaid, after said road has been once improved in accordance with the requirements of the act to which this is an amendment.

owners who may appoint agent.

Appointment must be in writing.

Costs to be paid by the road commissioners.

Meaning of the word maintenance as employed in this act.

The said road commissioners shall not pay out in any one year upon warrants drawn as aforesaid, a greater amount than the road tax assessed and collected for that year from all the property bordering upon such part of said road as is improved as aforesaid, and applicable to its maintenance as aforesaid.

What amount may be paid in one year.

If the costs and expenses for work done and materials furnished during any year are in excess of the amount of road tax payable by said Road Commissioners upon warrants drawn by said agent as aforesaid, said Road Commissioners shall apply the road tax of the next or any succeeding year, applicable under the provisions of this act to the maintenance of such part of said road as is improved as aforesaid, to the reimbursement of the person or persons paying said costs and expenses in excess, as aforesaid; *Provided*, the same were paid for work done or materials furnished since the passage of the act, to which this is an amendment; *And provided further*, that the costs and expenses for maintenance as aforesaid, for each year, are paid and allowed by said Road Commissioners, before any of the said of\* road tax is applied to

Excess of costs, how paid.

Proviso.

\* So enrolled.

## OF ROADS AND BRIDGES.

Receipts  
and vouch-  
ers to be  
evidence.

When bor-  
dering upon  
any other  
road who to  
determine  
proportion  
of tax to be  
applied re-  
spectfully.

Decision to  
be filed in  
prothonotary's  
office.

the reimbursement as aforesaid. The receipts and vouchers given by said agent to the person or persons paying as aforesaid shall be sufficient evidence to said Road Commissioners that the amount in said receipts and vouchers mentioned is due the holder or holders thereof. If the property of any person or persons bordering upon such part of any road as is improved as aforesaid, also borders upon any other road or roads for the maintenance of which the Road Commissioners of the hundred are responsible, said Road Commissioners as one party and said agent as the other party shall determine in what proportions the road tax assessed and collected from such property shall be applied to the maintenance of said roads respectively and in case of a failure by said parties to agree, then the Associate Judge of the Superior Court of the State of Delaware, resident in New Castle County, shall upon application, in writing, by either of said parties appoint some disinterested person to determine such proportions, whose decision in writing shall be final.

Said application and decision shall be filed in the office of the Prothonotary for said county. Any sum awarded to said agent for the maintenance of such part of any road as is improved as aforesaid may be sued for and recovered by said agent, as such in any action of debt to be brought before any Justice of the Peace for said county, or in the Superior Court, according to the amount sued for.

Stone may  
be covered  
with dust  
and finer  
stone.

SECTION 2. That said act be and the same is hereby further amended by striking out the word "and" in the seventh line of Section 2, and by substituting a semi-colon for the period at the end of said section; and adding thereafter, after the word "square" the words following, to wit: "which stone  
" may be covered with a top dressing of dust and finer stone  
" such as is produced by the preparation of the two sizes last  
" mentioned."

Size of stone  
to be used.

" SECTION 3. That in the maintenance of such part of the  
" road bed as is improved as aforesaid, stone shall not be used  
" of larger dimensions than will pass through a sieve having  
" no meshes over two inches square, and such stone must be  
" covered by the dust and finer stone above described."

" SECTION 3.\* That said act be and the same is hereby  
" further amended by changing the number of Section 3 so  
" that it shall be Section 4; and by adding at the end thereof  
" the words following, to wit: "but said Road Commissioners

\*So enrolled.

## OF ROADS AND BRIDGES.

"shall not be responsible for any debts or obligations contracted under the provisions of this act, or any amendments thereto, so far as the same are in excess of the road taxes collectible from the properties bordering upon such part of said road as is improved as aforesaid and applicable thereto."

Commissioners not responsible for any debts contracted under this act.

SECTION 4. That in future publications of the Laws of Delaware said Chapter 121, Volume 18 of the Laws of Delaware be published as the same is hereby amended.

*Passed at Dover, April 19, 1889.*

## CHAPTER 579.

## OF ROADS AND BRIDGES.

AN ACT to encourage the improvement of the public roads and to provide for the maintenance thereof in New Castle County. (Passed at Dover, March 28, 1887, as amended April 19, 1889.)

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. That whenever any person or persons, at their own expense, have heretofore improved or may hereafter improve any public road in New Castle County, by grading and covering the same with paving stone or broken stone, or both, for a continuous length of not less than one-half of a mile and for the width of not less than twenty feet it shall be lawful for the owner or owners of the property which borders upon such part of said road as is improved as aforesaid, to appoint an agent for the purpose of maintaining and keeping said road, so far as the same is improved as aforesaid, in good condition, and the said agent shall have the exclusive charge and superintendence thereof, subject to the direction of those appointing him. If the property of more than one person borders upon such part of said road as is improved as aforesaid, and said owners cannot agree upon the appointment of said agent, then the owner or owners who pay more than one-half of the road tax, applicable under the provisions of this

Persons improving public roads by broken stone may employ agent. When. Agent to have exclusive control. In case of disagreement of owners who may appoint agent.

## OF ROADS AND BRIDGES.

act to the maintenance of said road, so far as the same is improved as aforesaid, shall appoint said agent. The appointment of said agent shall be in writing and signed by the owner or owners making the appointment as aforesaid, and the owner or owners not joining therein shall not be liable for the acts of said agent. The said agent shall be appointed for such term as the owner or owners appointing him shall determine; *Provided*, said term does not exceed one year. In case of the death, resignation or inability of said agent at any time, to serve, the said owner or owners shall in manner aforesaid, choose his successor. The costs and expenses incurred in the maintenance of said road as aforesaid shall be paid by the road commissioners of the Hundred wherein said road, so far as the same is improved as aforesaid is located, by warrants drawn upon them by said agent accompanied with the receipts and vouchers for the work done or materials furnished for such maintenance. The word "maintenance" as herein used shall mean any work done or materials furnished for use upon such part of said road as is improved as aforesaid, after said road has been once improved in accordance with the requirements of the act to which this is an amendment.

Appointment must be in writing.

Costs to be paid by the road commissioners.

Meaning of the word maintenance as employed in this act.

What amount may be paid in one year.

The said road commissioners shall not pay out in any one year upon warrants drawn as aforesaid, a greater amount than the road tax assessed and collected for that year from all the property bordering upon such part of said road as is improved as aforesaid, and applicable to its maintenance as aforesaid.

Excess of costs, how paid.

If the costs and expenses for work done and materials furnished during any year are in excess of the amount of road tax payable by said Road Commissioners upon warrants drawn by said agent as aforesaid, said Road Commissioners shall apply the road tax of the next or any succeeding year, applicable under the provisions of this act to the maintenance of such part of said road as is improved as aforesaid, to the reimbursement of the person or persons paying said costs and expenses in excess, as aforesaid; *Provided*, the same were paid for work done or materials furnished since the passage of the act, to which this is an amendment; *And provided further*, that the costs and expenses for maintenance as aforesaid, for each year, are paid and allowed by said Road Commissioners, before any of the said of\* road tax is applied to the reimbursement as aforesaid. The receipts and vouchers given by said agent to the person or persons paying as afore-

Proviso.

Receipts and vouchers to be evidence.

\*So enrolled.

## OF ROADS AND BRIDGES.

said shall be sufficient evidence to said Road Commissioners that the amount in said receipts and vouchers mentioned is due the holder or holders thereof. If the property of any person or persons bordering upon such part of any road as is improved as aforesaid, also borders upon any other road or roads for the maintenance of which the Road Commissioners of the hundred are responsible, said Road Commissioners as one party and said agent as the other party shall determine in what proportions the road tax assessed and collected from such property shall be applied to the maintenance of said roads respectively and in case of a failure by said parties to agree, then the Associate Judge of the Superior Court of the State of Delaware, resident in New Castle County, shall upon application, in writing, by either of said parties appoint some disinterested person to determine such proportions, whose decision in writing shall be final.

When bordering upon any other road who to determine proportion of tax to be applied respectively.

Said application and decision shall be filed in the office of the Prothonotary for said county. Any sum awarded to said agent for the maintenance of such part of any road as is improved as aforesaid may be sued for and recovered by said agent, as such in any action of debt to be brought before any Justice of the Peace for said county, or in the Superior Court, according to the amount sued for.

Decision to be filed in prothonotary's office.

SECTION 2. That in order to avail themselves of the provisions of this act the person, or persons, who may have heretofore improved or may hereafter improve any existing public road in New Castle County shall have first constructed it so that the stone covering of said road, when finished, would sustain the heaviest wheeled vehicles without crushing or displacing said covering to its foundation at any season of the year, to which end it must be underdained where the conditions of surface and soil require it, and it must have a surface covering not less than three inches thick of stone that will pass through a sieve having no meshes over two inches square, and this again covered with not less than two inches thick of stone that will pass through a sieve having no mesh over one and one-quarter inches square; which stone may be covered with a top dressing of dust and finer stone such as is produced by the preparation of the two sizes last mentioned.

Stone, how covered.

SECTION 3. That in the maintenance of such part of the road bed as is improved as aforesaid, stone shall not be used of larger dimensions than will pass through a sieve having no

Size of stone to be used.



## OF ROADS AND BRIDGES.

meshes over two inches square, and such stone must be covered by the dust and finer stone above described.

Road commissioners to be exonerated from maintenance. When. SECTION 4. That a full compliance with this act shall exonerate and discharge the said Road Commissioners from any further care, superintendence or overseership of said road; but if this act is not fully complied with then the said road shall revert back to the care of the Road Commissioners, but said Road Commissioners shall not be responsible for any debts or obligations contracted under the provisions of this act, or any amendments thereto, so far as the same are in excess of the road taxes collectible from the properties bordering upon such part of said road as is improved as aforesaid and applicable thereto.

*Passed at Dover, March 28, 1887.*

*Amended April 19, 1889.*

## CHAPTER 580.

## OF ROADS AND BRIDGES.

AN ACT to empower the Levy Court of New Castle County to change the course of a certain public road.

Preamble.

WHEREAS, The banks of the River Delaware along Silver Run Marsh in St. Georges Hundred, in New Castle County, have been suffered to become damaged and broken so that the waters of the said river now overflow an extensive scope of land, including a portion of the public road leading from Appoquinimink Bridge, and intersecting the road leading from McDonough to Port Penn, in said county, and in consequence of such inundation of the first mentioned road, it has become unavailable for public travel;

AND WHEREAS, By changing the course of said road, it can be run through high land and restored to public use at much less cost than by bridging or raising the causeway over the inundated portion; therefore

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. That the Levy Court of New Castle County

## OF ROADS AND BRIDGES.

be and it is hereby authorized and empowered, if in its judgment deemed expedient to change the course of the public road, leading from Appoquinimink Bridge through Silver Run Marsh and intersecting the road leading from McDonough to Port Penn, in St. Georges Hundred, in such manner as to said court may be deemed proper and necessary.

SECTION 2. The Levy Court aforesaid is hereby authorized and empowered to enter upon any land or premises on the route of the land herein authorized to be constructed, to condemn and take the same, and to survey, lay out and construct a road of such width and extent as may be necessary for the purpose of changing the course of the road now inundated as aforesaid.

SECTION 3. The said Levy Court is hereby empowered to contract for the right of way over or through any lands or premises that shall become necessary for said road to pass, and to make provision and appropriation for the payment of the damages, and value of the land so condemned and taken, and if the said Levy Court cannot effect an equitable agreement with any owner or owners then the said Levy Court may apply to the Court of General Sessions of the Peace and Jail Delivery in and for New Castle County or to any Judge of said District, in vacation, for a commission of five suitable persons to be appointed by said Court or Judge to go upon the premises, and assess the damages of every the owner or holders of such land on occasion of the said new road considering all circumstances of benefit or injury which may accrue to him or them therefrom, which said commissioners or persons so appointed shall within ten days after their appointment make said appraisement and make return of their proceedings in the appraisement aforesaid duly certified under their hands or a majority of them, to the Levy Court of the county aforesaid, at the first meeting thereof thereafter, which return shall be conclusive, and the Levy Court aforesaid may deposit the amount awarded to any person entitled, in any bank in New Castle County, to the credit of the person so entitled, if he or they shall refuse to accept the same, and such deposit shall be a full discharge for all claim of damages, or for the value of the land so appraised and condemned and shall be so recognized by all courts of law or equity in this State.

SECTION 4. The persons appointed to view the premises and assess the damages as aforesaid shall before proceeding to the discharge of that duty be severally sworn or affirmed, by some person duly authorized to administer oaths, faithfully

Levy Court  
of New  
Castle Co.  
empowered  
to change  
the course  
of a public  
road.

Authorized  
to condemn  
land and to  
lay out and  
construct  
new road.

May con-  
tract for  
right of way  
and pay  
damages.

May apply  
to court for  
commission  
to assess  
damages.

Amount of  
award may  
be deposited  
in any bank  
of New  
Castle Co.

Such do-  
posit shall  
be a full  
discharge  
for damages

Commis-  
sioners to be  
sworn to  
faithfully  
discharge  
their duties.

## OF ROADS AND BRIDGES.

and impartially to perform the duties incumbent on them respectively according to the order, and the said persons shall receive a reasonable compensation for their services to be paid by the Levy Court of New Castle County.

Old road  
vacated and  
shall revert  
as law  
directs.

SECTION 5. When the road herein authorized to be constructed shall have been completed, and open for travel, the inundated portion of the old road shall be vacated and the land thereof revert as by law in such cases made and provided.

SECTION 6. This shall be deemed and taken to be a public act.

*Passed at Dover, April 25, 1889.*

## CHAPTER 581.

## OF ROADS AND BRIDGES.

AN ACT to authorize the laying out of a certain Public Road in Milford Hundred, Kent County, Delaware.

*Be it enacted by the Senate and House of Representatives of the State of Delaware\* met, (two-thirds of the members of each branch concurring therein):*

Commis-  
sioners  
appointed.

SECTION I. That J. Hart Bye, Isaac R. Jester, Benjamin Hydorn, and Major A. Harrington and Amos G. Turner be, and they are hereby constituted and appointed a committee to go upon and view the lands hereinafter set forth, and to mark and lay out a public road of thirty feet in width, running across such places and touching such points as they in their judgment shall deem proper and for the public good.

Location.

SECTION II. Said road shall begin at a point where the public road, running through the lands of J. W. Hammond, strikes the lands of Edward Harrington; thence running in a northerly direction between the lands of said J. W. Hammond and Edward Harrington; thence in a similar direction across woodlands of J. W. Hammond and Paris T. Carlisle;

\*So enrolled.

## OF ROADS AND BRIDGES.

thence in a similar direction between the lands of Reuben Harrington and Elias Simpson to the beginning of a public road running across the upper part of Murderkill Creek at Fork Landing. Beginning again at the terminus of said road, running in an easterly direction between the lands of the aforesaid Reuben Harrington and Elias Simpson; thence in the same direction across the lands of Paris T. Carlisle and Tomlinson and Burton, and possibly touching or crossing a small portion of the lands of Homer Lewis, and terminating at the State road at the easterly part of Tomlinson and Burton's farm, or near the same.

SECTION III. Any three members of the thus\* named committee shall constitute a quorum for viewing and laying out the said road, providing each member shall first have had notice of the intended meeting, and when such road shall have been laid out in the manner herein specified, the lands included in such road shall be vacated by the present owners and set apart as a public road. *Provided nevertheless,* The Levy Court shall first have made provision for laying out and maintaining the same. Levy Court to make provision for maintaining same.

SECTION IV. This act shall be deemed to\* be taken as a public act. Public act.

*Passed at Dover, February 18, 1889.*

## CHAPTER 582.

## OF ROADS AND BRIDGES.

AN ACT to authorize the laying out of a new Public Road in West Dover Hundred, Kent County, Delaware.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION I. That Amos C. Williams, Thomas B. Cooper, Henry Pratt, David D. Marvel, and Alexander Virden, five judicious and impartial freeholders of Kent County, be and they are hereby appointed commissioners to go upon and Commissioners appointed.

\*So enrolled.

## OF ROADS AND BRIDGES.

Location.

view the premises and determine whether or not there is need of a new public road in West Dover Hundred, Kent County, to begin at a point in the public road leading from Hazletville to Willow Grove, at or near where said road is intersected by a new road that leads from Kent County Almshouse to the latter road, thence westerly across lands of Dennis Cooper to lands of C. F. Weaver and John Legar (down or near their dividing line,) thence further across lands of said C. F. Weaver to lands of E. N. Thomas and Frank Moncur, thence down the dividing line of the two last named owners, (the width of fifteen feet, as nearly as conveniently can be done, to be taken off the lands of each of said owners,) to lands of Arthur Clark, and by or through these said lands to and across lands of Peter Smith to a point (northeast of said Smith's dwelling house,) in the public road leading from Oak Grove (or Oak Point,) School House to the Hazletville and Camden Road; and if they, the commissioners, or a majority of them (or of such as are, by this act appointed and thereafter serve, as too\*, such as might be appointed in manner hereafter mentioned, and serve) shall determine that there is need of such new public road, they shall after calling to their aid some skillful surveyor, to be by them elected, proceed to lay out the same and shall assess the damages (if any,) of each and all the owners of lands through or along which said new road shall pass, taking into consideration all the circumstances of benefit as well as injury, and shall make a computation of the costs of opening and making same, together with a plot of same, and shall make and sign a report of the said proceedings, and return the whole of same to the Clerk of the Peace in and for Kent County, who shall file said "return" in his office.

Surveyor.

Damages.

Plot and return to be made to Clerk of the Peace.

Clerk to lay same before Levy Court.

SECTION 2. It shall be the duty of said Clerk of the Peace at the next regular or adjourned session of the Levy Court of said County, after said "return" has been so made to him, to lay the same before said Levy Court; and if said Levy Court shall approve of said "plot," "report," and "return," they may make an appropriation for opening the same as a public road; and when so opened, shall be in all respects a public road in and for Kent County.

Must be sworn or affirmed before entering upon duty.

SECTION 3. That the aforesaid commissioners are hereby directed, authorized and empowered before entering upon the duties hereby assigned unto them, to administer unto each other and to the surveyor an oath to perform the same faith-

\*So in the original bill'.

## OF ROADS AND BRIDGES.

fully and impartially. The acts of a majority of the said commissioners shall be as valid as if concurred in by all of them; and in case of a vacancy by refusal or failure of one or more of said commissioners to serve, another or others may be appointed by any Justice of the Peace in and for Kent County upon application in writing by any three freeholding citizens of West Dover Hundred.

SECTION 4. The compensation of the said commissioners who shall have served upon the aforesaid "view" and survey, together with the surveyor and other persons employed, shall be such as the said Levy Court may deem proper.

SECTION 5. This act shall be deemed a "public act" and be printed as such.

*Passed at Dover, February 28, 1889.*

## CHAPTER 583.

## OF ROADS AND BRIDGES.

AN ACT to authorize the Levy Court of Kent County to change the location of and straighten a certain public road across and through the farm of P. D. Marvel.

WHEREAS, Philip D. Marvel of West Dover Hundred, Kent County, Delaware, has at his own expense, changed and straightened the public road running through his farm, recently purchased from John J. Voshell, beginning at a point in the public road leading from the "Hour Glass" to "Chapelstown" near the gate (now removed) on the south side of said farm and running through said farm of said Marvel to a point in the public road leading from "Chapelstown" to Slaughter's Station, now therefore,

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. That the Levy Court of Kent County after having ascertained that said Philip D. Marvel, has at his own expense amply and properly laid out, made and put in good repair, the proposed new public road, then said Levy Court

Vacancy,  
how filled.

Compensation of commissioners and surveyor.

Preamble.

Levy Court of Kent County to accept new road as straightened by P. D. Marvel.

## OF ROADS AND BRIDGES.

may adopt, accept and have worked the said new proposed public road, instead of and in substitution for the public road, (surveyed and laid out February the 19th A. D. 1887 under an order of the Court of General Sessions of the Peace and Jail Delivery, in and for Kent County) that is now being worked by Kent County, across and upon the said farm of the said P. D. Marvel.

When  
adopted  
vacated  
road to  
revert to P.  
D. Marvel.

SECTION 2. That whenever the said Levy Court shall adopt, accept and have worked the said proposed new public road (surveyed and laid out September 3rd A. D. 1886 and plot of which rests with the Clerk of the Peace in and for Kent County;) then the public road now running across and through the lands of said Philip D. Marvel, shall become abandoned by Kent County and revert to the sole use and ownership of the said P. D. Marvel and the said proposed new public road (spoken of in the first part of this said Section Two of this act) shall be and remain in all respects one of the public roads of Kent County.

Public net,

SECTION 3. That this shall be deemed and taken to be a public act and shall be published as such.

*Passed at Dover, March 27, 1889.*

## CHAPTER 584.

## OF ROADS AND BRIDGES.

AN ACT authorizing the laying out of a new public road in North Murderkill Hundred, Kent County.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Commis-  
sioners  
appointed.

SECTION 1. That John W. Downham, George Walheater and John G. Mohler, three judicious and impartial citizens of Kent County, be and they are hereby appointed commissioners to go upon and view the premises and determine whether there is need of a new public road in North Murderkill Hundred, Kent county, to be of the same width of other public

Location. roads, beginning at a point on the public road leading from.

## OF ROADS AND BRIDGES.

Willow Grove to Petersburg, formerly called Samuel Cohee's meadows, eastward through lands of Charles Case, John Grier, George Walheater, Henry Marker, Edward Robinson, Deborah Wharton, John G. Mohler, Samuel Harrington and William A. Wagner to a point called Hargadine's crossing at or near the Delaware Railroad. And if they or a majority of them shall determine that there is need for such a new public road they shall, with the assistance of a surveyor by them to be selected, lay out said road over the lands of the persons named herein, or lands of others, if such there be in the line of said road not herein mentioned, and cause a plot thereof to be made, representing the courses, and distances thereof, with notes of the woodlands, clear lands and improvements by or through which the same shall pass, and assess the damages of every owner of said lands by reason of the laying out of said road, taking into consideration all the circumstances of benefit as well as injury which will accrue to each of said owners, and they shall make a computation of costs of opening and making the said road and making bridges thereon, setting down the several items of said costs, and cause a plot of the same to be made, with a return to the Levy Court of Kent County; that an appropriation for opening the same as a public road may be made. And when the draft and return shall have been so approved, the said new road shall be deemed and taken to be a public road, and the laws applicable to public roads in Kent County are hereby extended to and shall apply to said road.

Surveyor.

Plot and return to be made.

Damages assessed.

Plot and return to Levy Court.

SECTION 2. That the commissioners, before entering upon their duties hereby assigned them, shall be sworn or affirmed to perform the same according to the best of their skill and judgment respectively, which oath or affirmation may be administered by either of said commissioners. The acts of a majority of said commissioners shall be as valid as if concurred in by all of them. In case of a vacancy occurring another or others may be appointed by any Justice of the Peace in Kent County, upon application in writing from any three freeholders in said North Murderkill Hundred.

Commissioners shall be sworn or affirmed.

Vacancy how filled.

SECTION 3. That the fee of the commissioners and chain carriers and such other persons as may be employed in laying out said road shall be the same as now provided by laws\* for such services in cases of laying out public roads and shall be paid in like manner.

Fees how paid.

*Passed at Dover, March 27, 1889.*

\*So enrolled.



## OF ROADS AND BRIDGES.

## CHAPTER 585.

## OF ROADS AND BRIDGES.

AN ACT to locate and establish certain public roads in Milford Hundred.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, as follows, viz:*

SECTION 1. That George L. Counselman, Cornelius Van Vorst and Benjamin Hydorn, be, and they are hereby appointed commissioners appointed, with the assistance of a skillful surveyor, Surveyor, to determine the several courses and distances of a certain public road in Milford Hundred, known as The Fisher Road leading from the Milford and Williamsville road to the Milford and Harrington road, commencing at a point in the center of the lane at or near the south-east corner of George W. Handy's field at the east of his dwelling; thence along said lane to the center of the bridge across Lednum's Branch; thence through the lands of Mrs. Eliza Ann Fisher to the center of the crossing over the Junction and Breakwater Railroad; thence to the centre of the bridge across Brooks Branch; thence to the stump of an old sassafras tree which stood in the said Fisher road, when the same was laid out in 1876; and thence in the same direction to said Milford and Harrington road. The said commissioners with the assistance of said surveyor shall ascertain and determine the several courses and distances of said road as it was originally opened and constructed by William Townsend, the overseer, who opened, cleared and constructed said Fisher road, and shall make a map or plot of the same, designating the several courses and distances thereof, the woodland and cleared land on each side thereof, and the owners and holders of said land respectively, and also such other notes as they may deem proper; and shall make return of their proceedings in this behalf with said map or plot thereunto annexed to the Levy Court in and for Kent County aforesaid, at the March Term thereof, 1889, and the same shall be filed in the office of the Clerk of the Peace for said county; and the said road as so located as aforesaid, shall be deemed and taken to be a public road and shall be kept open and in repair the same as other roads in Kent County.

Commissioners appointed.  
Surveyor.  
Road to be located.  
Plot or map to be made.  
Plot to be returned to Levy Court.  
Public road.

## OF ROADS AND BRIDGES.

SECTION 2. Said commissioners shall also go upon\* the view the premises, and with the assistance of said surveyor, lay out a new public road to lead from Houston through <sup>New public road.</sup> and along the lands of William N. Pierce, Reuben Harrington, John B. Smith, Alfred Appleman, Napoleon Gray, George Handy, junior, and William A. Griffith; on or near the line of an old roadway to intersect said Fisher road at or <sup>Location.</sup> near Lednum's Branch aforesaid, in the best way, having respect to the nature of the ground, the distance, and other circumstances of public or private convenience or detriment; and to make a map or plot of said road, showing its courses <sup>Plot to be made.</sup> and distances, the woodland and cleared land along or through which it passes, and other proper notes; and assess the <sup>Damages.</sup> damages of the several owners or holders of such lands by reason of the establishing of said road, considering all the circumstances of benefit or injury accruing to them severally therefrom, and to compute the cost of opening and making said road and of making the bridges and causeways therein separately; and also make return of their proceedings to the said March Term of said Levy Court; and the said commissioners shall be allowed each for each day's service in locating and laying out said roads the sum of two dollars, if return be duly made; the surveyor shall be allowed for each day's <sup>Surveyor.</sup> service the sum of four dollars and a just compensation for making each draught with proper notes to be taxed by said commissioners, and the chain carriers and bushmen shall be allowed the sum of one dollar each for each day's service, which allowance and all costs of proceedings and the <sup>Costs to be paid by the Levy Court.</sup> damages settled by said commissioners shall be paid by the said Levy Court upon the return of said proceedings. Said commissioners and the surveyor and chain carriers shall, before entering upon the duties prescribed in this act be severally sworn or affirmed faithfully and impartially to perform the <sup>To be sworn</sup> same to the best of their ability, and either of said commissioners may administer the said oath or affirmation to the other or others and to the surveyor and chain carriers.

*Passed at Dover, March 28, 1889.*

\*So enrolled.

## OF ROADS AND BRIDGES.

## CHAPTER 586.

## OF ROADS AND BRIDGES.

AN ACT to authorize James W. Grier, to straighten a public road on his own land in Kent County.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

James W.  
Grier to  
straighten  
public road.

SECTION 1. That James W. Grier is permitted to straighten a portion of the public road leading from Russel's Landing to Grier's Corner, on the lands of said James W. Grier in South Murderkill Hundred, Kent County.

Old road  
vacated to  
revert to  
Grier.

SECTION 2. *Be it further enacted,* That when the said James W. Grier has straightened said road on his lands aforesaid and put said new road in good traveling condition for public travel at his own cost and expense, then the said James W. Grier may use and occupy so much of the old road as will be vacated by the straightening of said road, the same to be approved by the resident Levy Court Commissioner of said hundred.

*Passed at Dover, April 2, 1889.*

## CHAPTER 587.

## OF ROADS AND BRIDGES

AN ACT to authorize the improvement of a public road in Little Creek Hundred in Kent County and the building of a wharf thereon.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Collector of  
oyster tax  
to cover  
road with  
oyster shells

SECTION 1. That Joseph Hopkins, the Collector of Oyster Revenue, be and he is hereby authorized and directed to cover with oyster shells and otherwise improve a public road in Little Creek Hundred in Kent County, laid out under the

## OF ROADS AND BRIDGES.

provisions of Chapter 443, Volume XVI, and Chapter 136, Volume XVII, Laws of Delaware and leading from what is known as "The Smith Shop" on Mahon's River in the said Little Creek Hundred to a point near Indian Gut on the public road leading from Little Creek Landing to Mahon's River.

SECTION 2. That the said Joseph Hopkins, be and he is hereby authorized and directed to pay out of any money in his hands, belonging to the State, as part of the Oyster Revenue, an amount not exceeding six hundred dollars, for the expenses incurred in filling up, shelling and otherwise improving the said road, described in the first section of this act, and present proper vouchers to the State Treasurer for such expenditure, at his next settlement after the completion of the said filling up, shelling and otherwise improving of the said road.

Costs how paid.  
Amount.  
Vouchers to be presented to State Treasurer.

SECTION 3. That the Lebanon Navigation Company be and it is hereby authorized and empowered to build, erect and use a wharf on said road, in Section One of this act described, and in the said Mahon's River, and shall make reasonable regulations for the use of the same, and may charge, receive and collect reasonable fees for such use.

Lebanon Navigation may build wharf and make regulations.

*Passed at Dover, April 4, 1889.*

## CHAPTER 588.

## OF ROADS AND BRIDGES.

AN ACT authorizing the laying out of a new road in Mispillion Hundred, Kent County.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. That William H. Dickerson, Zachariah Johnson and John G. Killen be and they are hereby appointed commissioners who are hereby authorized, empowered and directed to go upon the premises and determine whether a new public road should be laid out, beginning at a point on the public road in Mispillion Hundred, Kent County, leading

Commissioners appointed.  
Location.

## OF ROADS AND BRIDGES.

from Farmington to Milford, by way of Prettyman's Cross Roads and Williamsville, where the Harrington road intersects the said Farmington and Milford road; and running thence about a southerly direction about where a by-road now is through or across lands of Reynear Williams, lands of John M. Scott and lands of James P. Tatman until it intersects the public road leading from Williamsville to Staytons-ville. And if the said commissioners shall determine that the public convenience requires that the said new road should be laid out then they shall, with the assistance of a skillful and impartial surveyor by them to be employed (if they shall deem such assistance necessary), lay out the said new road in such manner as to them shall seem most advantageous to the public and the least detrimental to individuals, and shall cause a draught thereof to be made, showing the new road, with notes of the most remarkable places, and the lands and premises by, through and upon which the said new road passes, having respect to the nature of the ground, the shortness of the distance, and all circumstances of public and private convenience or detriment; and shall assess the damages of every the owners or holders of said lands and premises on occasion of the laying out of the said new road, and shall make a computation of the costs of opening and making said new road, setting down the several items of said costs.

Surveyor.

Draught to be made.

Damages.

Costs.

Draught and return to be filed in the Clerk of the Peace's office.

Levy Court may accept.

SECTION 2. That the said draught together with the return of the said Commissioners, shall be returned to and filed in the office of the Clerk of the Peace in and for Kent County, to be by him laid before the Levy Court of said County, and if no sufficient objection is made thereto, then the said Levy Court of said County shall approve and confirm the said draught and return of the said Commissioners, and shall settle and pay the damages which may be assessed by the said Commissioners, and pay the legal charges of the Commissioners, surveyor, &c. as other similar expenses are paid and when the said draught and return shall have been so approved and confirmed, the said new road shall be deemed and taken to be a public road, and the laws applicable to public roads in Kent County, are hereby extended to and shall apply to said new road.

Shall be sworn or affirmed.

SECTION 3. That the said commissioners before performing the duties enjoined upon them by this act, shall be severally sworn or affirmed to perform their duties with fidelity, and the surveyor (if one shall be employed) to perform the services required of him faithfully and impartially, ac-

## OF ROADS AND BRIDGES.

according to the best of his skill and judgment; which said oaths or affirmations, the said commissioners are hereby authorized to administer to each other and to the surveyor by them employed; and the act of a majority of the said commissioners shall be as valid as if concurred in by all of them, and in case of any vacancy or vacancies another or other commissioners may be appointed by the remaining commissioners or commissioner to supply such vacancy or vacancies.

*Vacancies,  
how filled.*

*Passed at Dover, April 10, 1889.*

## CHAPTER 589.

## OF ROADS AND BRIDGES.

AN ACT to lay out a new public road in South Murderkill Hundred, Kent County.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. That Ridsen Williams is hereby authorized, directed and empowered to change and straighten a certain road in South Murderkill Hundred, Kent County, beginning in the public road leading from Barrett's Chapel to Massey's Mill on the boundary line between lands of Ridsen Williams and Dewitt Frear and running in a northwesterly direction until it intersects the northern boundary of said Dewitt Frear's lands, thence in same direction across said Ridsen Williams' lands until it intersects the public road on the south side of Erasmus D. Burton's lands, said Williams and Frear donating so much of said lands as necessary for the use of said road bed free of charge.

*Ridsen Williams authorized to straighten a public road.*

*Location.*

SECTION 2. That the said Ridsen Williams shall lay out, change and make at his own expense the said road and put the same in good order for public travel, making the said road the width required by law; and after the said road is made, open and put in good order for public travel as aforesaid, that then and from thenceforth the said road shall be

*Said road to be straightened and opened at Ridsen Williams' expense.*

## OF ROADS AND BRIDGES.

deemed a public road and shall be repaired and kept up at public expense as other roads in said county.

So much of  
old road as  
is not used  
to revert to  
original  
owner.

SECTION 3. That after said road shall have been laid out, opened and made and put in good order for public travel as aforesaid, it shall and may be lawful for the said Ridsen Williams to stop up and enclose so much of the old road as is not used in making the change and is supplied by the road contemplated by this act, and the said Ridsen Williams and Erasmus D. Burton be and they are authorized and empowered to appropriate to their own uses that part of said public road, so vacated.

SECTION 4. This act shall be deemed and taken to be a public act.

*Passed at Dover, April 16, 1889.*

## CHAPTER 590.

## OF ROADS AND BRIDGES.

AN ACT to lay out a new public road in Mispillion Hundred, Kent County.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Commis-  
sioners  
appointed.

Location.

SECTION 1. That James E. Thomas, James B. Prettyman and Jonathan Smith be and they are hereby appointed commissioners who are hereby authorized, empowered and directed to go upon the premises and determine whether a new public road should be laid out, beginning at a point known as Scott's Gate, on the public road in Mispillion Hundred, in Kent County, leading from Farmington to Milford, and running thence in about a southerly direction, on the dividing line between lands of James M. Scott and lands of James H. Day to a point in the dividing line between lands of William Sharp and lands of Hasty Scott; thence in about the same direction on the said dividing line between lands of the said William Sharp and lands of said Hasty Scott, to a point in the line of lands of James Jump; thence in about the same direction

## OF ROADS AND BRIDGES.

through or across lands of the said James Jump to a point in the dividing line between the lands of the said James Jump and lands of Hiram Short; thence in about the same direction on the said dividing line between lands of the said James Jump and lands of the said Hiram Short to a point in the dividing line between lands of the said James Jump and lands of Thomas Patterson; thence in about the same direction on the said dividing line between lands of the said James Jump and lands of the said Hiram Short to a point in the dividing line between lands of the said James Jump and lands of Thomas Patterson; thence in about the same direction on the said dividing line between lands of the said James Jump and lands of the said Thomas Patterson to a point in the dividing line between lands of the said Thomas Patterson and lands of J. E. Short; thence in about the same direction on the said dividing line between lands of the said Thomas Patterson and lands of the said J. E. Short to a point in the dividing line between lands of the said J. E. Short and lands of Pemberton Clifton; thence in about the same direction on the said dividing line between lands of the said J. E. Short and lands of the said Pemberton Clifton until it intersects the public road leading from Williams-ville to Staytons-ville, at Clifton's saw mill near Staytons-ville. And if the said commissioners shall determine that the public convenience requires that the said new road should be laid out then they shall, with the assistance of a skillful and impartial surveyor by them to be employed (if they shall deem such assistance necessary), lay out the said new road in such manner as to them shall seem most advantageous to the public and least detrimental to individuals, and shall cause a draught thereof to be made, showing the new road, with notes of the most remarkable places, and the lands and premises by, through and upon which the said new road passes, having respect to the nature of the ground, the shortness of the distance, and all circumstances of public and private convenience or detriment; and shall assess the damages of every the owners or holders of said lands and premises on occasion of the laying out of the said new road, and shall make a computation of the costs of opening and making said new road, setting down the several items of said costs.

Surveyor.

Draught  
or plot  
to be made.

Costs.

SECTION 2. That the said draught together with the return of the said commissioners, shall be returned to and filed in the office of the Clerk of the Peace in and for Kent County, to be by him laid before the Levy Court of said County, and if no sufficient objection is made thereto, then

Draught  
and return  
to be filed  
in the Clerk  
of the Peace  
office.



## OF ROADS AND BRIDGES.

Levy Court the said Levy Court of said County shall approve and confirm  
 to adopt if the said draught and return of the said commissioners, and  
 no sufficient shall settle and pay the damages which may be assessed by  
 reason is the said commissioners, and pay the legal charges of the  
 given. commissioners, surveyor, &c., as other similar expenses are  
 paid and when the said draught and return shall have been  
 so approved and confirmed, the said new road shall be deemed  
 and taken to be a public road, and the laws applicable to public  
 roads in Kent County, are hereby extended to and shall  
 apply to said new road.

Damages.

Shall be  
 sworn or  
 affirmed.

SECTION 3. That the said commissioners before performing the duties enjoined upon them by this act, shall be severally sworn or affirmed to perform their duties with fidelity, and the surveyor (if one shall be employed) to perform the services required of him faithfully and impartially, according to the best of his skill and judgment; which said oath or affirmations the said commissioners are hereby authorized to administer to each other, and to the surveyor by them employed; and the acts of a majority of the said commissioners shall be as valid as if concurred in by all of them, and in case of any vacancy or vacancies another or other commissioners may be appointed by the remaining commissioners or commissioner to supply such vacancy or vacancies.

Vacancy  
 how filled.

*Passed at Dover, April 18, 1889.*

## CHAPTER 591.

## OF ROADS AND BRIDGES.

AN ACT to lay out a new public road in Missillion Hundred, in Kent County.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Commis-  
 sioners ap-  
 pointed.

SECTION 1. That Zebulon Hopkins, Louder L. Sapp, Alexander Harrington, George W. Collins, junior, and William C. Quillen, five judicious and impartial citizens and freeholders of Kent County, be and they are hereby ap-

## OF ROADS AND BRIDGES.

pointed commissioners to go upon and view the lands, and determine whether there is need of a public road in Mispillion hundred in Kent County, beginning on the public road in "Hammondstown" leading from Peter Callaway's farm to Prettyman's Corner, on or near lands of Nathaniel C. Powell, deceased, or on or near lands of Samuel A. Tharp, near the Farmington road as the commissioners may deem best, and to run from thence in a northerly direction on or near lands late of Nathaniel C. Powell, deceased, or on or near lands of Samuel A. Tharp, as may be deemed best by the commissioners, on or near lands of William Murphey, on or near lands of James W. Powell, across lands of Benaiah Tharp, on lands of William Shaw to a point at or near a corner between lands of William Shaw and Eben McNatt, and from thence on or between lands of William Shaw and Eben McNatt, between lands of William Shaw and Elizabeth Fleming, and between lands of William Shaw and the dower lands of of\* Lydia Mileham, an easterly direction intersecting the public road leading from Harrington to Farmington between lands of William Shaw and Lydia Mileham; and if they, or a majority of them, shall determine that there is need for such a new public road, they shall, with the assistance of a surveyor by them to be selected, lay out such new public road as they shall deem proper, and shall cause a plot thereof to be made, representing the courses and distances thereof, with notes of the woodlands, cleared lands, and improvements, by or through which the same shall pass, and they shall assess the damages of every owner of lands through which the same shall pass, taking into consideration all the circumstances of benefit as well as injury which will accrue to each of the owners thereof; and they shall make a computation of costs of opening and making said new public road and the bridges and causeways included, setting down the several items of said costs, and if a road be laid out, they, or a majority of them, shall, in their return, set forth a general description of said road and their determination that there is need of the same for public convenience, and shall annex to their return the aforementioned plot.

SECTION 2. *And be it further enacted by the authority aforesaid,* That the plot and return so to be made by the commissioners or a majority of them as soon as conveniently after completion, shall be returned to the Clerk of the Peace of Kent County, to be by him laid before the Levy Court of

\*So enrolled.

## OF ROADS AND BRIDGES.

Levy Court may approve. Kent County, that the said Levy Court may approve and establish said road, by paying such costs and damages as may be assessed by said proceedings, and also make such appropriations for opening and making the same as a public road, as they may deem best, and when the said road shall have been so returned and established by the Levy Court of Kent County, the same shall be and remain subject to the same regulations as other public roads and highways in the aforesaid county.

Oath. SECTION 3. *And be it further enacted by the authority aforesaid,* That the said commissioners and the surveyor selected by them under this act, shall be severally sworn or affirmed faithfully and impartially to perform the several duties required of them under this act, before they enter upon the same respectively.

Oath, how administered. Said oath or affirmation may be administered by any person authorized to administer oaths or affirmations within this State, or the said commissioners may administer the same to each other and also to the surveyor. In case of the death of any of the commissioners, or refusal to act or any other inability to act, another or other commissioner or commissioners may be appointed to fill such vacancy or vacancies, by any Justice of the Peace of Kent County. The acts of a majority of the commissioners shall be as good and valid as if concurred in by all of them and their fees and those of the surveyor shall be fixed by the Levy Court.

Vacancy, how filled.

Fees.

SECTION 4. *And be it further enacted by the authority aforesaid,* That this act shall be deemed and taken as a public act.

*Passed at Dover, April 19, 1889.*

## OF ROADS AND BRIDGES.

## CHAPTER 592.

## OF ROADS AND BRIDGES.

AN ACT to lay out a new public road in North Murderkill and West Dover Hundreds, Kent County.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION I. That James R. Powell, Nicholas Vincent, Ezekiel Frazer, David D. Marvel and Thomas Gooden be <sup>Commissioners appointed.</sup> and they are hereby appointed commissioners to go upon and view the premises and determine whether there is need of a new public road in North Murderkill and West Dover Hundreds, in Kent County, beginning in the road leading from Choptank Mills to Willow Grove, in North Murderkill Hundred, opposite or nearly opposite the outlet for the farm on which Calvin C. Dill now lives; and thence in a direct course across Edward J. Carter's farm, on which J. Wyatt now lives, and lands of John H. McGinnis, John Gooden and Margaret Nichols and terminating in West Dover Hundred in the road leading from Shaw's Bridge to Westville or Chapel Town, at or near the residence of the aforesaid Margaret Nichols. If the said commissioners or a majority of them shall determine that there is need for such new public road they shall, with the assistance of some skillful <sup>Surveyor.</sup> surveyor to be by them selected, lay out such new public road as they shall deem proper, having respect to the nature of the ground, shortness of distance and all circumstances of public convenience, and shall cause a plot thereof to be <sup>Plot to be made.</sup> made showing the courses and distances thereof, with notes of the most remarkable places, and of the land through or upon which the same shall pass, and they shall assess the damages of every owner of said lands through or upon which <sup>Damages.</sup> said road will pass, by reason of the laying out of said new public road, taking into consideration all the circumstances of benefit as well as injury which will accrue to each of said owners; and they shall make a computation of the costs of <sup>C sts.</sup> opening and making said road and of making the bridges and causeways thereon, in case any bridges or causeways shall be deemed necessary, setting down the several items of said costs, and shall in their return set forth a <sup>Return to be made.</sup>

## OF ROADS AND BRIDGES.

description of said new public road and their determination that there is need of the same for public convenience, and shall annex to their return the aforementioned plot.

Proviso.

*Provided nevertheless,* That the commissioners herein designated, after having viewed the lines and premises hereinafore designated, may, if in their judgment they deem it best for a public convenience and having due consideration for the benefit or injury of any owner or owners whose lands such road may touch or cross, and taking into consideration the nature of the ground and the shortness of the distance, and other matters affecting the public convenience, lay out such new road at another point near the line hereinbefore mentioned, running in the same general direction and connecting as nearly as may be the same points, and to serve the same general purposes as any line authorized to be laid out under the provisions of this act.

May lay out new road at another place.

Plot to be returned to the Clerk of the Peace.

SECTION 2. That the plot and return so to be made as aforesaid by the said commissioners, or a majority of them, shall be returned to the Clerk of the Peace in and for Kent County, to be by him laid before the Levy Court of said county at the first meeting thereof after said plot and return shall have been received by him, and the said Levy Court may adopt said road as a public road or highway, and settle such damages as may have been assessed, and when said road shall have been adopted as a public road by the said Levy Court, the same shall be and remain subject to the same laws and regulations as other public roads in said county.

Levy Court may adopt said road.

To be sworn or affirmed.

SECTION 3. That the said commissioners and surveyor, before performing the duties required of them respectively under this act, shall be sworn or affirmed to perform their duties under this act according to the best of their skill and judgment respectively, which oath or affirmation may be administered by either of said commissioners or by any Justice of the Peace residing within Kent County. The acts of a majority of said commissioners shall be as valid as if concurred in by all of them. In case any one or more of said commissioners shall refuse or neglect to perform the duties required of them by this act, or in case any vacancy or vacancies shall occur among said commissioners before the duties herein required of them are performed, any Judge of this State or any Justice of the Peace residing within Kent county, may appoint another or other commissioner or commissioners to act in the place of any one or more refusing or neglecting to act, or to fill any

Vacancy, how filled.

## OF ROADS AND BRIDGES.

vacancy or vacancies that may occur among said commissioners. The fee of each commissioner shall be one dollar, and the fee of the surveyor ——— dollars for each day of actual service, with a proper compensation to the surveyor for his plot and drawing the return. <sup>Compensation.</sup>

SECTION 4. This act shall be deemed and taken to be a public act.

*Passed at Dover, April 19, 1889.*

## CHAPTER 593.

## OF ROADS AND BRIDGES.

AN ACT to lay out a new public road in Milford Hundred, Kent County, and State of Delaware.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

That John A. Bickel, John W. Hall and Jehu Davis, be <sup>Commissioners appointed.</sup> and they are hereby appointed a commission to go upon and view the premises and determine whether there is need of a public road in Milford Hundred in Kent County, beginning <sup>Location.</sup> at a point in the public road known as the Mrs. Cain road, on the west side of R. H. Williams' farm and running in a straight line across lands of R. H. Williams and A. J. Maloney, in a westerly direction, about a half mile to Hickman's Landing; and if the said commissioners or a majority of them shall determine that there is need of a new road, they shall lay out the same, and cause a survey thereof to be made by some skillful surveyor by them to be selected, and cause a plot to be made to accompany their return to the <sup>Plot and return to be made.</sup> Levy Court of Kent County. The Levy Court may make <sup>Appropriation.</sup> appropriation for opening the same as a public road, after making allowance for the cost on the proceedings, and when the draught and return shall have been so returned and approved, the said new road shall be deemed and taken as <sup>To be a public road.</sup> a public road.

## . OF ROADS AND BRIDGES.

public road in like manner as other public roads in Kent County.

A. J. Maloney authorized to put a gate across road.

SECTION 2. *And be it further enacted*, That Andrew J. Maloney is hereby authorized to put a gate across said public road near Hickman's Landing, that said gate shall swing clear, and shut and fasten itself, and shall be made and maintained by the said Andrew J. Maloney without cost to the county.

*Passed at Dover, April 23, 1889.*

## CHAPTER 594.

## . OF ROADS AND BRIDGES.

AN ACT to change the course of a public road in Cedar Creek Hundred in Sussex County.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Lizzie H. Whitehead empowered to change the course of a public road.

Location.

SECTION 1. That Lizzie H. Whitehead be and she is hereby authorized and empowered to change the location of a public road now running across the lands of the said Lizzie H. Whitehead and connecting with the public road leading from Milford to Georgetown, such change to be in a manner following, to wit: Beginning at a point where the old road hereby changed intersects the public road running in a westerly direction past Smith's Chapel, and running about easterly and in a direct course through the lands of said Lizzie H. Whitehead until it intersects the said public road leading from Milford to Georgetown.

Old road to be closed.

SECTION 2. That when the said Lizzie H. Whitehead shall, at her own expense, have made such change and opened the road hereby authorized to the width of thirty (30) feet and put the same in such order for travel as the Levy Court of Sussex County may deem sufficient, it shall be taken and maintained as other public roads in Sussex County, and it shall be lawful for her to vacate the road superseded by the

## OF ROADS AND BRIDGES.

road authorized by this act, and to enclose the old road so vacated.

SECTION 3. This act shall be deemed and taken to be a Public act.  
public act.

*Passed at Dover, Delaware, January 29, 1889.*

## CHAPTER 595.

## OF ROADS AND BRIDGES.

AN ACT to authorize the laying out and establishing of a new public road in North West Fork Hundred, Sussex County.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. That Cornelius P. Swain, William C. Rust <sup>Commissioners</sup> and John E. Richards, three judicious and impartial citizens <sup>appointed,</sup> and freeholders of and in North West Fork Hundred, Sussex County, be and they are hereby appointed commissioners to go upon and view the premises and determine whether there is need of a new public road in said North West Fork Hundred, <sup>Location.</sup> beginning at a point on the public road leading from Trinity Church to Bridgeville at or near where the said public road is intersected by a private road leading to the late residence of the late Lewis N. Wright, and running in a north western direction along the general line of the said private road across the lands of Dr. Hugh Martin to a point where the said private road crosses the public road leading from Wooden Hawk to Trinity Church; thence along the general line of the said private road in a direction a little north of west, crossing lands of J. K. Wright, E. B. Wright, L. W. Kinder, A. B. Headley and others, till it intersects the public road leading from Wooden Hawk to Federalsburg, Md. If they, or a majority of them, shall determine that there is need of such a new public road, they shall with the assistance of a <sup>Surveyor.</sup> skillful surveyor to be by them selected, lay out and locate said new public road, and shall have a plot of the same prepared, showing the courses and distances thereof; shall assess



## OF ROADS AND BRIDGES.

Costs. damages (if any) having due regard to all the circumstances, and shall estimate the costs of opening and building the road. They shall also make a return of their proceedings, accompanied by a plot of the said new public road and a statement of their estimate of its costs, to the Levy Court of Sussex County, that the said Levy Court may make the necessary appropriation for opening and making the same as a public road. When the draft and return shall have been accepted by the said Levy Court the said road hereinbefore described and authorized to be laid out and made shall be deemed and taken to be a public road, and the laws applicable to public roads in Sussex County are hereby extended to and shall apply to the said road.

Commis- SECTION 2. That the commissioners and surveyor provided for in this act shall be sworn or affirmed by each other before entering upon their respective duties to perform the same faithfully and impartially according to the best of their skill and judgment. Any vacancy or vacancies from any cause whatsoever in the board of commissioners as hereby provided may be filled by those appointed by any Justice of the Peace in Sussex County. The fees of the commissioner, surveyor and chain carriers shall be the same as in other cases for like services, and shall be paid by the Levy Court of Sussex County.

Public act. SECTION 3. That this act shall be deemed and taken to be a public act.

*Passed at Dover, February 20, 1889.*

## CHAPTER 5c6.

## OF ROADS AND BRIDGES.

AN ACT to authorize the laying out of a public road in Nanticoke Hundred, Sussex County, State of Delaware.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Commis- SECTION 1st. That John Tatman, Joshua E. Short and sioners appointed. Charles H. Webb, be and they are hereby appointed commissioners to lay out and open a public road in Nanticoke Hun-

## OF ROADS AND BRIDGES.

dred, Sussex County, and State aforesaid, beginning in the <sup>Location.</sup> public road leading from St. Johnstown to Tatman's Cross Roads and as near the St. John's Branch and Tomsdam Ditch as the lowlands will admit, running south in a straight line through lands of Simeon Pennewill until it reaches the said Simeon Pennewill's woodland and then running in the most appropriate direction to Harriet B. Willey's field, thence through lands of Harriet B. Willey running south in a straight line to Harriet B. Willey's woodland to an old road west of said Willey's gate, then to Joshua S. Spanish's fence, thence through lands of Joshua S. Spanish running south keeping west of said Spanish's fence to John McIlvain's land, thence through lands of John McIlvain running in a south-east direction until it intersects the old road near the fence of said John McIlvain, keeping in said road to its terminus, then running south in a straight line across the said John McIlvain's field to John R. Ricard's land or late land of Cordray & Ricards, thence through lands of John R. Ricards or late lands of Cordray and Ricards running south in a straight line to the public road in front of said John R. Ricards, or late Cordray & Ricard's premises.

SECTION 2ND. That the aforesaid commissioners shall lay out and make a new public road on the route designated in Section 1st of this act; they shall with the assistance of some <sup>Surveyor.</sup> skillful surveyor after being duly sworn or affirmed lay out such new road and shall cause a plot thereof to be made representing the courses and distances thereof and shall assess <sup>Plot to be made.</sup> the damages of every owner of land through which said road shall pass taking into consideration all the circumstances of <sup>Damages assessed.</sup> benefit as well as injury and they shall make a computation of the costs of opening and making said new road.

SECTION 3RD. That the plot and return so to be made as aforesaid by the said commissioners shall be returned to the Clerk of the Peace in and for Sussex County to be by him laid before the Levy Court of Sussex County shall not have <sup>Plot and return to be filed with the Clerk of the Peace.</sup> *have\** power to accept and approve of the new road authorized to be located by this act until all damages and costs of opening shall be paid.

*Passed at Dover, March 14, 1889.*

\*So enrolled.

## OF ROADS AND BRIDGES.

## CHAPTER 597.

## OF ROADS AND BRIDGES.

AN ACT to authorize the laying out of a new public road in Baltimore Hundred, Sussex County.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Commissioners  
appointed.

Location.

Surveyor.

Plot to  
be made.

Damages  
assessed.

Return to  
the Clerk  
of the Peace

SECTION 1. That Lemuel Williams, Joseph N. Daisey and William T. Brasure, be and they are hereby appointed commissioners to go upon and view the premises and determine whether there is need of a public road in Baltimore Hundred, Sussex County, Delaware, to begin at a point on the public road leading from Bayard to Bishopsville, Md., at a point near the residence of Thomas Dukes, and run from thence across lands of Joshua and James Evans in an easterly direction across the lands of Henry H. Watson and others to Derrickson's Old Mill, and thence across the bridge over the said Derrickson's Old Mill in a southerly direction across the lands \* Charles C. Tingle, Jacob B. Townsend, Burton Vickers and probably the lands of James Williams, and then terminating at a public road leading from Roxana to Fenwick's Island, and if they or a majority of them shall determine that there is need of such a road they shall, with the assistance of a skillful surveyor to be by them elected, lay out such new road as they may deem proper, having respect to the nature of the ground, the shortness of the distance, and all circumstances of public convenience, and shall cause a plot thereof to be made representing the course and distances thereof, and they shall assess the damages which may be sustained by any owner or owners of land through which the said road shall pass, taking into consideration the circumstances of benefit as well as injury which will accrue to each of said owners by reason of laying out of said road, and they shall make a computation of the costs of opening and making said road, and if a road shall be laid out they shall, in their return to be made to the Clerk of the Peace in and for Sussex County, set forth a description of said road, their determination that there is need of the same for public travel and convenience, and an estimate of the cost thereof, setting

\*So enrolled.

## OF ROADS AND BRIDGES.

down the several items of said costs, and shall annex to the said return the plot as aforesaid.

SECTION 2. That the plot and return so to be made as aforesaid by the said commissioners shall be returned to the Clerk of the Peace in and for Sussex County, to be by him laid before the Levy Court of said county. The Levy Court shall not have the power to accept and approve of the said new road authorized to be located by this act until all damages together with all expenses and charges of laying out and preparing said road shall be paid; and when said road shall have been adopted as a public road by said Levy Court the same shall remain subject to the same regulations and laws as other public roads in said county.

Plot and return to be filed before the Levy Court.

SECTION 3. That the said commissioners and surveyor, before performing their respective duties under this act, shall be severally sworn or affirmed, to perform the same according to the best of their skill and judgment. Either of said commissioners may administer the oath or affirmation to the other commissioners and to the surveyor, and any act or determination of a majority shall be as valid as if all had concurred. In case of a vacancy or vacancies in the number of commissioners hereinbefore named from any cause, another or other commissioners may be appointed by any Justice of the Peace in said county. The fees of commissioners, surveyor and chain carriers shall be the same as are provided by law for similar service in laying out of public roads, and shall be paid by the Levy Court of Sussex County. The road proposed by this act shall be located by commissioners appointed by Sec. 1 of this act. *Provided, however,* That in case any person through whose lands the said proposed road may run shall not be satisfied with the damages or location, then the Levy Court of Sussex County shall appoint three other judicious and impartial freeholders to locate the road and assess the damages, which shall be final.

Commissioners and surveyor to be sworn.

Vacancies, how filled.

Fees.

Levy Court may appoint other commissioners.

SECTION 4. This act shall be deemed and taken to be a public act.

*Passed at Dover, March 14, 1889.*

## OF ROADS AND BRIDGES.

## CHAPTER 598.

## OF ROADS AND BRIDGES.

AN ACT to lay out a public road in Broadkiln and Cedar Creek Hundreds, Sussex County.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Commissioners  
appointed.

Location.

Surveyor.

Plot to be  
made.

Damages  
assessed.

Return to  
be made to  
Clerk of  
the Peace.

SECTION 1. That George M. Fisher, Isaac F. Warren and Zachariah Donovan, be, and they are hereby appointed commissioners to go upon and view the premises and determine whether there is need of a public road: Beginning in Broadkiln Hundred and in what is called the Riley Road, leading from Robbins' Station to Milton, and at some suitable place in said road near a line between lands of Alfred Donovan and lands of John Coverdale, and thence running in a northerly course, or nearly so, on line of lands of said Donovan and Coverdale and on lands of David Coverdale and passing to the east of the dwelling of David Coverdale, and continuing northerly on lands of Henry C. Jones and others, and nearly on the east line of lands of James H. Warren until said new road intersects a public road in Cedar Creek Hundred, that leads by said James H. Warren's dwelling towards the Delaware Bay, and if they or a majority of them shall determine that there is need of such a road they shall with the assistance of a skillful surveyor, to be by them chosen, lay out such new public road as they may deem proper, having respect for the nature of the grounds, the shortness of distance and all circumstances of public convenience and shall cause a plot thereof to be made, representing the courses and distances thereof, with notes of the most remarkable places of the woodland, cleared land and improvements by and through which the same shall pass; and shall assess the damages of every owner of said land and improvements by reason of laying out of said road taking into consideration all the circumstances of benefit as well as injury, which shall accrue to said owners; and they shall make a computation of the costs of opening and making the said road and making the bridges and causeways thereon, setting down the several items of said costs, and if a road shall be laid out, they shall in their return to be made to the Clerk of the Peace in and

## OF ROADS AND BRIDGES.

for Sussex County, set forth a description of said road and their determination that there is need of the same for public convenience, and shall annex to their said return a plot as aforesaid.

SECTION 2. The plot and return to be made as aforesaid by the said commissioners, or a majority of them, shall be returned to the Clerk of the Peace in and for Sussex County, to be by him laid before the Levy Court of said Sussex County; and the Levy Court of Sussex County shall not have the power to accept and approve of the new road authorized to be located by this act until all damages and costs of opening said road shall be paid, and when said road shall have been adopted as a public road by the said Levy Court, the same shall be and remain subject to the same regulations and laws as other public roads in said county.

SECTION 3. The said commissioners and surveyor, before performing their respective duties under this act, shall be sworn or affirmed to perform the same according to the best of their judgment and skill respectively, which oath may be administered by either of the said commissioners. The acts of a majority of said commissioners shall be as valid as if concurred in by all of them. In case of a vacancy or vacancies, another or others may be appointed by any Justice of the Peace residing within said county. The fee of the commissioners, surveyor and chain carriers shall be the same as now provided by law for such services in cases of laying out public roads and be paid in like manner. Said road shall be located as provided in Sec. 1. *Provided, however,* that in case any person through whose land the said road may be located shall be dissatisfied with the location or damages, the Levy Court shall appoint three other judicious and impartial freeholders to locate the road and assess the damages which shall be final.

*Passed at Dover, March 14, 1889.*

## OF ROADS AND BRIDGES.

## CHAPTER 599.

## OF ROADS AND BRIDGES.

AN ACT to lay out a public road in Cedar Creek Hundred, Sussex County, Delaware.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Commis-  
sioners  
appointed.

Location.

Surveyor.

Plot to be  
made.

Damages  
assessed.

Return to  
be made to  
Clerk of  
the Peace.

SECTION 1. That David H. Holland, Thomas L. Black and Thomas Pepper be and they are hereby appointed commissioners to go upon and view the premises and determine whether there is need of a public road to begin at a point in the public road leading from Milford to Georgetown, about three hundred and fifty feet south of the northwest corner of the field belonging to David H. and Samuel E. Reed, running thence from said point in an easterly direction and parallel with the public road leading through the town of Ellendale, and thence continuing in or nearly in the same direction across lands of Hon. James Ponder until it intersects the public road leading from Ellendale to Milton, and if they or a majority of them shall determine that there is need of such a road they shall, with the assistance of a skillful surveyor, to be by them chosen, lay out such new public road as they may deem proper, having respect for the nature of the grounds, the shortness of distance and all circumstances of public convenience, and shall cause a plot thereof to be made representing the courses and distances thereof with notes of the most remarkable places of the woodland, cleared land and improvements by and through which the same shall pass; and shall assess the damages of every owner of said land and improvements by reason of laying out of said road, taking into consideration all the circumstances of benefit as well as injury, which shall accrue to said owners; and they shall make a computation of the costs of opening and making said road and making the bridges and causeways thereon, setting down the several items of said costs, and if a road shall be laid out they shall in their return to be made to the Clerk of the Peace in and for Sussex County, set forth a description of said road and their determination that there is need of the same for public convenience, and shall annex to their said return a plot as aforesaid.

## OF ROADS AND BRIDGES.

SECTION 2. The plot and return to be made as aforesaid by the said commissioners, or a majority of them, shall be returned to the Clerk of the Peace in and for Sussex County to be by him laid before the Levy Court of said Sussex County; and the said Levy Court may adopt said road as a public road or highway and settle such damages as may have been assessed, and when said road shall have been adopted as a public road by the said Levy Court the same shall be and remain subject to the same regulations and laws as other public roads in said county.

Plot and  
return to be  
laid before  
the Levy  
Court.

SECTION 3. The said commissioners and surveyor, before performing their respective duties under this act, shall be sworn or affirmed to perform the same according to the best of their judgment and skill respectively, which oath may be administered by either of the said commissioners. The acts of a majority of said commissioners shall be as valid as if concurred in by all of them. In case of a vacancy or vacancies, another or others may be appointed by any Justice of the Peace residing within said county. The fee of the commissioners, surveyor and chain carriers shall be the same as now provided by law for such services in cases of laying out public roads and be paid in like manner, but no other part of the expenses, or any costs or charges of opening and constructing said road shall be incurred or paid by said county. *Provided, however,* That in case the party through whose lands the said proposed road may run shall not be satisfied with the damages or value of the lands as aforesaid then the Levy Court of Sussex County shall upon appeal of any of said parties, appoint three other judicious and impartial freeholders to assess and appraise the value and damages of said land which shall be final.

Commissioners and  
surveyor to  
be sworn.

Vacancies,  
how filled.  
Fees.

Provided.

Levy Court  
may ap-  
point other  
commissioners.

*Passed at Dover, March 27, 1889.*



## OF ROADS AND BRIDGES.

## CHAPTER 600.

## OF ROADS AND BRIDGES.

AN ACT to repeal Chapter 509 of Volume 17 of the Laws of the State of Delaware.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Chapter 509,  
Volume 17,  
Laws of  
Delaware,  
repealed.

That Chapter 509 of Volume 17 of the Laws of Delaware, be, and the same is hereby repealed, made null and void.

*Passed at Dover, March 28, 1889.*

## CHAPTER 601.

## OF ROADS AND BRIDGES.

AN ACT to repeal Chapter 134, Volume 18 of the Laws of Delaware, entitled "AN ACT to lay out and establish a private road in Indian River and Lewes and Rehoboth Hundreds in Sussex County."

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Chap. 134,  
Volume 18,  
Laws of  
Delaware,  
repealed.

SECTION 1. That Chapter 134, Volume 18 of the Laws of Delaware, entitled "An Act to lay out and establish a private road in Indian River and Lewes and Rehoboth Hundreds in Sussex County," be and the same is hereby repealed.

Public act. SECTION 2. That this act shall be deemed and taken to be a public act.

*Passed at Dover, March 28, 1889.*

## OF ROADS AND BRIDGES.

## CHAPTER 602.

## OF ROADS AND BRIDGES.

AN ACT to authorize John P. Isaacs to straighten a public road in Nanticoke Hundred, Sussex County.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

That John P. Isaacs, be and is hereby authorized to change and straighten a certain public road in Nanticoke Hundred in Sussex County, as follows, to wit: Commencing in the center of the road leading from Johnson's Cross Roads to Sharp's Mill, at a point or bounder\* between Robert B. Owens, John Tatman and the said John P. Isaacs and running in a southerly direction to a bounder between Robert B. Owens, John P. Isaacs and the Miller land and intersects the aforesaid road.

John P. Isaacs authorized to straighten road.  
Location.

SECTION 2. That the said John P. Isaacs shall lay out, change and make at his own expense the said road, and put the same in good order for public travel, making the road the required width by law and opened and put in good order for public travel as aforesaid, that then and from thenceforth the said road shall be deemed a public road and shall be repaired and kept up at public expense as other roads in said county.

Road to be straightened at J. P. Isaacs expense.

SECTION 3. That after the said road shall have been laid out, opened and made and put in good order for public travel as aforesaid, it shall and may be lawful for the said John P. Isaacs to stop up and enclose so much of the old road as is not used in making the change.

Old road to be enclosed by Isaacs.

SECTION 4. This shall be deemed and taken to be a public act.

*Passed at Dover, April 4, 1889.*

\*So enrolled.

## OF ROADS AND BRIDGES.

## CHAPTER 603.

## OF ROADS AND BRIDGES.

AN ACT to lay out a private road in Indian River Hundred, Sussex County.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Commissioners  
appointed.

Location.

Surveyor.

Damages.

Return to  
be filed in  
the office of  
the Clerk of  
the Peace.

Commissioners and  
surveyor  
sworn.

Fees.

SECTION 1. That William T. Warrington, Peter W. Rust and Thomas Marvel, be and they are hereby appointed commissioners to lay out a private road in Indian River Hundred of the width of twenty feet, beginning at a point on the divisional line between lands of Lydia Rodney and William T. Warrington, about twenty feet from the shore of Rehoboth Bay, thence running in a northerly direction through and over marsh lands of the said Lydia Rodney until it reaches marsh lands of Henry O. Bennum and terminating there at a point about twenty feet from said bay shore. That said commissioners shall take to their assistance a skillful surveyor, who shall survey said road as aforesaid laid out and make a plot of the same which, together with a description of said road, shall be returned to the Clerk of the Peace of Sussex County and by him filed in his office.

SECTION 2. That said commissioners shall estimate the damage occasioned by the laying out of said road to any parties through whose lands the same may pass and shall make return of their proceedings showing the amount of said damage and to whom payable, which said return shall be likewise filed in the office of the Clerk of the Peace aforesaid.

SECTION 3. That the said commissioners and surveyor shall be sworn by each other to faithfully and to the best of their ability to perform the duties imposed upon them by this act.

The fees of said commissioners shall be one dollar per day of actual service and that of the surveyor such sum as is usually charged for such services, all of which, as well also the damage assessed and the cost of making said road shall be paid by Henry O. Bennum, who is hereby authorized to put said road in a passable condition.

## OF ROADS AND BRIDGES.

SECTION 4. That if the parties to whom damage has been allowed by said commissioners shall refuse to accept the same when tendered by the said Henry O. Bennum, the said Henry O. Bennum shall deposit the same in the Farmers Bank at Georgetown to the credit of each respectively and take a certificate of deposit from the cashier of said bank, which shall be a receipt for the same and shall be sufficient proof of his compliance with the provisions of this act, in all suits of every kind which may be brought against him by reason of any and all acts performed by him in pursuance of this act. Parties to whom damages are allowed.

SECTION 5. This act shall be taken and deemed to be a public act, and the power to revoke the same is hereby reserved to the Legislature. Public act.

*Passed at Dover, April 10, 1889.*

## CHAPTER 604.

## OF ROADS AND BRIDGES

AN ACT to lay out a new public road in Indian River Hundred, Sussex County.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in Generally\* Assembly met:*

SECTION 1. That George F. Wilson, Joshua R. Burton and Peter R. Burton be and they are hereby appointed commissioners to go upon and view the premises and determine whether there is need of a public road in Indian River Hundred, Sussex County, beginning in the Long Neck road which leads from Long Neck to Georgetown at a point in lands of the heirs of William S. Baker, and running thence in a southwesterly course, for a short distance, through lands of the heirs of William S. Baker, and thence in the same course along the line dividing the lands of said heirs of William S. Baker from the lands of John R. Warrington, and thence along the line dividing the lands of Edward McCray, lands of Rufus Lingo, and lands of Charles H. Commissioners appointed. Location.

\*So enrolled.

## OF ROADS AND BRIDGES.

Lingo from the lands of Silas T. Warrington, and terminating in the public road leading to Millsboro, at or near Central Church; and if they, or a majority of them, shall determine that there is need of such a road they shall, with the assistance of some skillful surveyor, to be by them selected, lay out such public road as they may deem proper, and shall cause a plot thereof to be made representing the course and distance thereof, and of the land by and through which the same shall pass. And they shall assess the damage of any owner of said lands and improvements by reason of laying out said roads, taking into consideration all the circumstances of benefit as well as injury which will accrue to each of said owners. They shall make a computation of the cost of opening and making said road, the bridges and causeways thereon, setting down the several items of costs, and if a road shall be laid out shall, in the return to be made to the Clerk of the Peace in and for Sussex County, set forth the description of said road and their determination that there is need of the same for public convenience, and shall annex to the said return the plot as aforesaid.

Surveyor.

Plot to be made.

Return to be made to the Clerk of the Peace

SECTION 2. The plot and return so to be made as aforesaid by said commissioners shall be returned to the Clerk of the Peace in and for Sussex County, to be by him laid before the Levy Court of said county, and the said Levy Court shall adopt said road or highway, and settle such damages as may have been assessed, and all other costs of opening and making said road and putting the same in good order for public travel. And when said road shall have been adopted as a public road by said Levy Court, the same shall remain subject to the same regulations and laws as other public roads in said county.

Commissioners and surveyor to be sworn or affirmed.

Vacancies, how filled.

Fees

SECTION 3. That the said commissioners and surveyor, before performing their respective duties under this act, shall be sworn or affirmed to perform the same according to the best of their skill and judgment respectively. Such oath may be administered by either of said commissioners. The acts of a majority of said commissioners shall be as valid as if concurred in by all of them. In case of a vacancy or vacancies another or others may be appointed commissioner or commissioners by any Justice of the Peace residing within said county. The fee of the said commissioners and surveyor and chain carriers shall be the same as is generally paid in such cases.

*Passed at Dover, April 11, 1889.*

## OF ROADS AND BRIDGES.

## CHAPTER 605.

## OF ROADS AND BRIDGES.

AN ACT to lay out a private road in Baltimore Hundred, Sussex Coun y.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SEC. I. That W. L. Hudson, T. J. Halloway and Armwell E. Long be and they are hereby appointed commis-  
sioners to go upon and view the premises and determine  
whether there is need of a private road in Baltimore Hundred  
in the County and State aforesaid, commencing at a point  
near the house of Amos McCabe, which house is situated on  
the lands of said Amos McCabe, on the west side of the rail-  
road, near the town of Selbyville, the road to run in a south-  
erly direction across the lands of Chas. J. Baker, and along  
the dividing line between the lands of said Chas. J. Baker  
and Jos. G. McNeal until it intersects the county road lead-  
ing from Selbyville to Holland's Quarter; and if the said  
commissioners or a majority of them, shall determine that  
there is need of such a private road as that above described,  
then they shall with the assistance of some skillful surveyor  
to be by them selected, lay out such private road of the width  
of twenty feet and cause a plot thereof to be made, represent-  
ing the courses and distances thereof, and the lands through  
and by which the same shall pass, and they shall assess the  
damages of the owner or owners of said lands, by reason of  
the laying out of said road, taking into consideration all the  
circumstances of benefit as well as injury which will accrue  
to the said owner or owners of lands and they shall make a  
computation of the costs of opening and making said road  
and making bridges thereof, setting down the several items  
of said costs, and if a road be laid out, then the said commis-  
sioners in their return to be made to the Clerk of the Peace  
in and for Sussex County, shall set forth a description of said  
road.

Commis-  
sioners  
appointed.

Location.

Surveyor.

Damages.

Return to  
be made to  
the Clerk of  
the Peace.

SEC. II. *And be it further enacted,* That the plot and  
return so to be made as aforesaid by the said commissioners  
shall be returned to the Clerk of the Peace of Sussex County,  
and be by him transcribed upon the road book in his office.

Plot and re-  
turn to be  
transcribed  
on road  
book.

## OF ROADS AND BRIDGES.

Cost to be  
paid by  
Amos Mc-  
Cabe.

SEC. III. *And be it further enacted,* That the cost of laying out of said private road including the costs of transcribing the return and plot of the same, and also the damages assessed, if any, shall be paid by Amos McCabe, and it shall be the duty of the said Amos McCabe or his heirs and assigns immediately upon the return of the plot to the said Clerk of the Peace as aforesaid, to open said road for their own use and benefit.

Commis-  
sioners and  
surveyor to  
be sworn or  
affirmed.

SEC. IV. *And be it further enacted,* That the said commissioners and surveyor before performing their respective duties under this act, shall be sworn or affirmed to perform the same with skill and fidelity, which oath may be administered by either of the said commissioners or by any public officer qualified to administer oaths. The acts of a majority of said commissioners shall be as valid as if concurred in by all of them. In case of a vacancy or vacancies another or others may be appointed commissioner or commissioners by any Justice of the Peace of said county.

Justice of  
the Peace  
may fill  
vacancy.

Fees.

The fee of the commissioners shall be one dollar per day for actual service, and that of the surveyor for surveying plot and return, ten dollars, to be paid by said Amos McCabe, as aforesaid. The fee of the Clerk of Peace for transcribing plot and return shall be the same as is usually charged for such services to be paid by the party above named in a like manner and proportions as aforesaid.

Persons ob-  
structing  
said road to  
be liable for  
damages.

SEC. V. *And be it further enacted,* That the road so laid out shall be for the exclusive use, benefit and behoof of the said Amos McCabe, his heirs or assigns, so long as they shall continue to own or hold the lands through which the said road shall pass or touch, and which said road is intended to benefit; and any one who shall wilfully obstruct the free use of said road by the said Amos McCabe, his heirs and assigns so long and while he or they shall own and occupy the lands aforesaid shall be liable for damages to the said Amos McCabe, his heirs and assigns to be recovered in an action of trespass on the case.

*Passed at Dover, April 12, 1889.*

## OF ROADS AND BRIDGES.

## CHAPTER 606.

## OF ROADS AND BRIDGES.

AN ACT to make valid a portion of Commissioners' Report on a certain new public road in Baltimore Hundred.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch thereof concurring therein):*

SECTION 1. That the Levy Court Commissioners of Sussex County are by this act authorized and empowered to accept, at any of their regular meetings, that portion of a new public road in Baltimore Hundred: Beginning near the house where Kendal Rickards now resides and running through the lands of the said Kendal Rickards, also Levin H. Bennett and Reuben Lynch to intersect the county road leading from H. H. Hickman's store-house to the Trap School-house, as laid out by the commissioners appointed for that purpose in an act passed at Dover, March 10, 1885. Chapter 513.

Levy Court authorized to accept a portion of a public road in Baltimore Hundred.

*Passed at Dover, April 15, 1889.*

## CHAPTER 607.

## OF ROADS AND BRIDGES.

AN ACT to lay off a public road in Nanticoke and North West Fork Hundreds, Sussex Co., Delaware.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. That William W. Morgan, Robert Hews and John C. Short, three judicious freeholders of Sussex County, be and they are hereby appointed to go upon and view the lands and determine whether there is need of a public road in Nanticoke and North West Fork Hundreds, Sussex County,

Commissioners appointed.



## OF ROADS AND BRIDGES.

- Location.** and State of Delaware; beginning at or near School House No. 61, in Nanticoke Hundred, situated on the road leading from Coverdale X Roads to St. Johnstown, beginning at said point and running in a western direction through lands of Miles Messick and near the dwelling house and lands of John Owens and through his lands, in the best direction to or near an old dam, on a branch of Page Cottrell's mill pond, crossing the same and from thence through lands of the heirs of Abel Small, and on or near a point of the lands of the heirs of Joseph Rickards through the lands of Thomas Dorman, lands of Mrs. M. C. Jacobs, on a road through her lands and the heirs of Joseph Rickards aforesaid, and through a point of lands of M. E. Brown, intersecting the county road from Cottrell's mill to Bridgeville; and if they or a majority of them shall determine that there is need of a road, they shall
- Plot to be made.** lay off the same and cause a plot to be made with a return to the Levy Court of said county, of the same as a public road,
- Amount of appropriation by the Levy Court.** that they make the appropriation, a sum not to exceed one hundred and twenty-five dollars, for opening and completing of the same as a public road.
- Commissioners to be sworn or affirmed.** SECTION 2. That the commissioners be sworn or affirmed before entering upon the duties hereby assigned, to perform the same faithfully and impartially, and they are hereby authorized to administer the oaths herein prescribed to each other.
- Pay of commissioners and surveyor.** SECTION 3. That the pay of the commissioners shall be two dollars each, and the pay of the surveyor shall be eight dollars for making plot and return.

*Passed at Dover, April 16, 1889.*

## OF ROADS AND BRIDGES.

## CHAPTER 608.

## OF ROADS AND BRIDGES.

AN ACT to lay out a new public road and vacate an old road in Broad Creek Hundred, Sussex County.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. That Tilghman L. Spicer, Dr. Jacob Knowles and Jeremiah Wright, be and they are hereby appointed commissioners to go upon and view the premises and lands, and determine whether there is need of a new public road leading from Seaford to Laurel in Broad Creek Hundred, Sussex County, as follows: Beginning at the large sycamore tree standing at the southeast corner of the lands of James Chase and running in a southerly direction and in a direct course through lands of Samuel P. Warrington and Jacob Morgan till it intersects the said road running from Seaford to Laurel at the corner of James Moore's land. If the said commissioners or a majority of them shall determine that there is need of such a new public road, then they shall, with the assistance of a skillful surveyor, by them to be employed, if they shall deem one necessary, locate and lay out said new public road as they may deem proper, having respect for the nature of the grounds, the shortness of distance and all circumstances of public convenience, and shall cause a plot thereof to be made representing the courses and distances of the woodland, cleared land and improvements by and through which the same shall pass; and shall assess the damages of every owner of said land and improvements by reason of laying out of said road, taking into consideration all the circumstances of benefit as well as injury, which shall accrue to said owners; and they shall make a computation of the costs of opening and making said road and making the bridges and causeways thereon, setting down the several items of said costs, and if a road shall be laid out they shall in their return to be made to the Clerk of the Peace in and for Sussex County set forth a description of said road and their determination that there is need of the same for public convenience and shall annex to their said return a plot as aforesaid.

Commissioners appointed.

Location.

Surveyor.

Damages assessed.

Return to be made to the Clerk of the Peace.

## OF ROADS AND BRIDGES.

Plot and return to be laid before Levy Court.

SECTION 2. That the plot and return to be made as aforesaid by the said commissioners or a majority of them, shall be returned to the Clerk of the Peace, in and for Sussex County, to be by him laid before the Levy Court of said Sussex County; and the said Levy Court may adopt said road as a public road or highway and settle such damages as may have been assessed, and when said road shall have been adopted as a public road by the said Levy Court the same shall be and remain subject to the same regulations and laws as other public roads in said county.

Commissioners and surveyor to be sworn or affirmed.

SECTION 3. That the said commissioners and surveyor, before performing their respective duties under this act, shall be sworn or affirmed to perform the same according to the best of their judgment and skill, respectively, which oath may be administered by either of the said commissioners. The acts of a majority of said commissioners shall be as valid as if concurred in by all of them. In case of a vacancy or vacancies, another or others may be appointed by any Justice of the Peace residing within said county. The fee of the said commissioners, surveyor and chain carriers shall be the same as now provided by law for such services in cases of laying out public roads, and be paid in like manner.

Fee.

Vacated road may be enclosed.

Levy Court to make allowance for costs.

SECTION 4. That the part of the original road supplied by the road laid out under this act beginning at a point along the east side of the Delaware Railroad in the road leading from the Seaford and Laurel road aforesaid to Bethel, and running from said point in a southerly direction along the east side of the Delaware Railroad, thence in a southeasterly direction till it intersects the road laid out under this act shall be vacated, and may be enclosed by the owner or owners through which it passes, as soon as the said original public road, as changed under this act, is accepted and adopted by the said Levy Court, and made ready for public travel. The said Levy Court shall make an allowance for the payment of all the costs attending the laying out and location of said road and the changing and straightening of the same, as well as the damages assessed thereupon.

SECTION 5. This act shall be deemed and taken to be a public act.

*Passed at Dover, April 17, 1889.*

OF ROADS AND BRIDGES.

CHAPTER 609.

OF ROADS OF BRIDGES.

AN ACT to authorize John B. Dorman to straighten a public road on his own land in Sussex County.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. That John B. Dorman is ordered and permitted to straighten that part of a certain public road leading from Milton to Lewes, in Sussex Co., and opposite said Dorman Farm, or so much thereof as may be desirable, and on his own land in Broadkilm Hundred, in Sussex County.

John B. Dorman empowered to straighten a public road.

SECTION 2. That when the said John B. Dorman has straightened said public road on his own land and at his own expense as aforesaid, then the said John B. Dorman may use, occupy and own so much of said public road as is hereby vacated and made of no use as a public thoroughfare.

Portion vacated to revert to J. B. Dorman.

*Passed at Dover, April 19, 1889.*

CHAPTER 610.

OF ROADS AND BRIDGES.

AN ACT to make valid a portion of Commissioners Report on a certain road in Baltimore Hundred.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch concurring therein):*

SECTION 1. That the Levy Court Commissioners of Sussex County are by this act authorized and empowered to accept at any of their regular meetings that portion of a certain new public road in Baltimore Hundred, leading from the State road that leads from Frankford to Selbyville, running

Levy Court to accept return of commissioners of road in Baltimore Hundred.

## OF ROADS AND BRIDGES.

through lands of the heirs of John Hickman, deceased, to lands of the heirs of Adelaide Houston and with the same to lands of Joseph Hudson, and across the same to intersect the road leading from Waplesville to the McNeal school-house, as laid out by the commissioners appointed for that purpose in an act passed at Dover.

*Passed at Dover, April 22, 1889.*

## CHAPTER 6II.

## OF ROADS AND BRIDGES.

AN ACT for the improvement of certain public roads in Broad Creek Hundred, Sussex County.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Commissioners appointed.

Location.

Organization of commissioners.

Commissioners to be sworn or affirmed.

Assessor appointed.

SECTION 1. That J. C. Rodney, William S. Moore, and George E. Wiley be and they are hereby appointed commissioners to repair and improve the public roads in Broad Creek Hundred, Sussex County; beginning at the pivot bridge at or near the Town of Laurel, and extending out the Georgetown road to the small branch running across said road at or near the residence of Henry C. Lewis, and likewise from the point where the Seaford road connects with said Georgetown road, and extending out said Seaford road to the point where the Concord road connects therewith; the said commissioners shall upon a call issued by any two of them, meet at some convenient place in said hundred for the purpose of organization, and shall elect out of their number a President, Secretary, and Treasurer, and shall appoint an assessor and overseer; the two last named may or may not be of their number. The said commissioners and officers, before entering on their respective duties, shall be sworn or affirmed to perform their duties with fidelity.

SECTION 2. It shall be the duty of the assessor so appointed to assess every male person in Broad Creek Hundred above the age of twenty-one years who uses said roads or de-

## OF ROADS AND BRIDGES.

rives any advantage therefrom; and every female in said hundred owning, or who may be the tenant of any land therein, and likewise any person, male or female, owning land in said hundred and residing elsewhere. The basis of said assessment shall be the advantage each and every person derives from said roads and the use they make of the same, either personally or by agent; *Provided, however,* that the whole amount so assessed shall not exceed the sum of five hundred dollars, with ten per centum additional to cover delinquents.

Who liable  
to be as-  
sessed.

Amount of  
assessment.

SECTION 3. That as soon as the said assessor, shall have completed his assessment, he shall hang up in two or more public places, in the hundred, alphabetically arranged copies of the same, one of said copies shall be hung up in the post-office in the town of Bethel, another in or in front of the store of H. B. Rodney, and one likewise hung in some conspicuous place in the post-office in the town of Laurel. The said lists shall have written on the outside thereof, in large plain letters, the words: "Assessment for repairing public roads in Broad Creek Hundred," and likewise written thereon a notice that the said commissioners will sit, as a Court of Appeals, to hear any objections which may be offered, to the said assessment, giving the time and place at which they will sit, after the said commissioners shall have heard and determined all objections offered to the said assessment, they shall correct and revise the same as in their judgment shall seem fair and equitable, and in order to properly hear and determine said objections, may sit for that purpose as often as the necessity of the matter may require, upon sufficient notice of the time and place being given. After said assessment has been completed and perfected, the same shall be placed in the hands of the collector of county taxes in said hundred, who shall proceed at once to collect said taxes, in accordance with the said revised list, the said taxes to be by him paid to the said treasurer as fast as collected, and the said commissioners may require sufficient security to be given for the proper performance of his duties; the said collector shall be vested with the same power and authority, for the collection of the said assessment, as is now given by law to the collector of county taxes.

Assessment  
to be hung  
up in public  
places.

Appeal.

Collector.

Collector to  
give surety.

Powers of  
collector.

SECTION 4. The said commissioners shall, as soon as they have collected, the money authorized by this act proceed at once to place the said roads, as hereinbefore designated and described in proper order and condition, and for that purpose,

## OF ROADS AND BRIDGES.

Roads to  
be shelled.

shall shell said roads to such a depth as they may deem necessary and proper, and make and construct such drain or drains as the proper improvement and repairs of said roads may require, and may do all other acts of a like nature which may be necessary to carry out the purpose intended by this act. *Provided*, In making said improvements and repairs, especial attention shall be given to that portion of said road lying between the said pivot bridge and the junction of the said Seaford road with the said Georgetown road.

County to  
pay \$500 for  
repairing  
roads.

SECTION 5. That as soon as the collector shall have collected the amount authorized by this act, the Levy Court of Sussex County shall, upon a written statement of that fact, under the hands and seals of said commissioners, pay to the treasurer of the said commissioners out of any moneys in the treasury of said county, the sum of five hundred dollars, to be used together with the sum hereinbefore provided for, for the proper improvement of said roads.

Fees.

SECTION 6. The fees of the officers hereinbefore named, shall be as follows: To the commissioners and overseer, one dollar for each day actually engaged in said work; to the treasurer and assessor the sum of twenty-five dollars each, for their services in the matter; and eight per centum on the amount collected, shall be allowed the said collector for collecting the said assessments.

Receipts  
and vouchers  
to be  
presented  
to the  
Levy Court

SECTION 7. After the completion of the said work as hereinbefore described, the said commissioners shall present their receipts and vouchers, for all money by them expended, to the next meeting of the Levy Court in and for Sussex County, to be audited and approved, and if so approved, the said Levy Court shall execute to the said commissioners a paper setting forth such facts which shall be to them a sufficient discharge from all responsibility connected with said funds. Should any moneys remain in the hands of the said treasurer after the proper improvements and repair of said roads, the same shall be paid into the treasury of Sussex County and become a part of the general funds of said county.

Surplus  
money to be  
paid to  
County  
Treasurer.

SECTION 8. This act shall be deemed and taken to be a public act.

*Passed at Dover, April 23, 1889.*

## OF ROADS AND BRIDGES.

## CHAPTER 612.

## OF ROADS AND BRIDGES.

AN ACT to amend An Act entitled "AN ACT to lay out a public road in Broadkiln and Cedar Creek Hundreds, Sussex County."

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. That the act entitled "An Act to lay out a public road in Broadkiln and Cedar Creek Hundreds, Sussex County," passed at Dover, March 14, 1889, be and the same is hereby amended by striking out of Section 2 the following, viz: "The Levy Court of Sussex County shall not have the power to accept and approve of the new road authorized to be located by this act until all damages and costs of opening said road shall be paid," and inserting in lieu of the part stricken out, the following, viz: "The Levy Court may adopt said road as a public road or highway and shall settle such damages as may have been assessed, and also the costs and expenses of locating, laying out and making said road."

SECTION 2. That the said act which is amended by this act, shall be published in the Laws of this State as amended by this act.

*Passed at Dover, April 24, 1889.*

## CHAPTER 613.

## OF ROADS AND BRIDGES.

AN ACT to lay out a public road in Broadkiln and Cedar Creek Hundreds, Sussex County, (as amended by Act of April 24, 1889.)

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. That George M. Fisher, Isaac F. Warren and Zachariah Donovan, be, and they are hereby appointed commissioners to go upon and view the premises and deter-



## OF ROADS AND BRIDGES.

**Location.** mine whether there is need of a public road: Beginning in Broadkiln Hundred and in what is called the Riley Road, leading from Robbins' Station to Milton, and at some suitable place in said road near a line between lands of Alfred Donovan and lands of John Coverdale, and thence running in a northerly course, or nearly so, on line of lands of said Donovan and Coverdale and on lands of David Coverdale and passing to the east of the dwelling of David Coverdale, and continuing northerly on lands of Henry C. Jones and others, and nearly on the east line of lands of James H. Warren until said new road intersects a public road in Cedar Creek Hundred, that leads by said James H. Warren's dwelling towards the Delaware Bay, and if they or a majority of them shall determine that there is need of such a road they shall

**Surveyor.** with the assistance of a skillful surveyor, to be by them chosen, lay out such new public road as they may deem proper, having respect for the nature of the grounds, the shortness of distance and all circumstances of public convenience

**Plot to be made.** and shall cause a plot thereof to be made, representing the courses and distances thereof, with notes of the most remarkable places of the woodland, cleared land and improvements by

**Damages.** and through which the same shall pass; and shall assess the damages of every owner of said land and improvements by reason of laying out of said road taking into consideration all the circumstances of benefit as well as injury, which shall accrue to said owners; and they shall make a computation of

**Costs.** the costs of opening and making the said road and making the bridges and causeways thereon, setting down the several items of said costs, and if a road shall be laid out, they shall

**Return to be made to Clerk of the Peace.** in their return to be made to the Clerk of the Peace in and for Sussex County, set forth a description of said road and their determination that there is need of the same for public convenience, and shall annex to their said return a plot as aforesaid.

**Plot and return to be laid before the Levy Court.** SECTION 2. The plot and return to be made as aforesaid by the said commissioners, or a majority of them, shall be returned to the Clerk of the Peace in and for Sussex County, to be by him laid before the Levy Court of said Sussex County; and the Levy Court may adopt said road as a public road or highway and shall settle such damages as may have been assessed, and also the costs and expenses of locating, laying out and making said road, and when said road shall have been adopted as a public road by the said Levy Court, the same shall be and remain subject to the same regulations and laws as other public roads in said county.

**Shall settle damages and costs.**

## OF ROADS AND BRIDGES.

SECTION 2. The said commissioners and surveyor, before performing their respective duties under this act, shall be sworn or affirmed to perform the same according to the best of their judgment and skill respectively, which oath may be administered by either of the said commissioners. The acts of a majority of said commissioners shall be as valid as if concurred in by all of them. In case of a vacancy or vacancies, another or others may be appointed by any Justice of the Peace residing within said county. The fee of the commissioners, surveyor and chain carriers shall be the same as now provided by law for such services in cases of laying out public roads and be paid in like manner. Said road shall be located as provided in Sec. 1. *Provided, however,* that in case any person through whose land the said road may be located shall be dissatisfied with the location or damages, the Levy Court shall appoint three other judicious and impartial freeholders to locate the road and assess the damages which shall be final.

Commissioners and surveyor to be sworn or affirmed.  
Vacancies, how filled.  
Levy Court may appoint other commissioners.

*Passed at Dover, March 14, 1889.*

*Amended April 24, 1889.*

## CHAPTER 614.

## OF ROADS AND BRIDGES.

A FURTHER SUPPLEMENT to the act entitled "An Act to erect and keep in good repair a bridge over Broad Creek at the Town of Bethel, Sussex County, Delaware," passed at Dover, April 9, 1885.

WHEREAS, The Levy Court of Sussex County has lately erected a new pivot bridge over Broad Creek, at the Town of Bethel; and whereas the act to which this is a supplement does not provide for the appointment of a tender for said bridge; therefore,

Preamble.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. That the Levy Court of Sussex County be and is hereby authorized to appoint a bridge tender to attend to the draw for the term of one year from the date of said appointment, or until the appointment of a successor in said

Levy Court to appoint bridge tender.

## OF ROADS AND BRIDGES.

**Lock** capacity, whose duty it shall be to place or cause to be placed thereon a good and sufficient lock, the key whereof shall be and remain in his own keeping, the said lock being placed in such a position that it will be impossible for any person except the keeper thereof to turn off the leaf of said bridge.

**Leaf of bridge.** It shall further be the duty of said tender whenever called upon to do so by the master or commander of any vessel wishing to pass through said bridge, or by any person or persons authorized by such master or commander, to turn off the leaf of said bridge for the passage of such vessel, and when such vessel shall have passed through the draw to immediately turn on said leaf and lock the same as before under the penalty of five dollars, with costs of suit to be proceeded for and recovered before any Justice of the Peace in and for Sussex County, in the name of the State, upon the information of such master or commander. One-half of said fine to be applied to the use and benefit of said master or commander prosecuting for the same, and the other half thereof to the treasurer of Sussex County for the use and benefit of said county.

**Penalty for leaving leaf turned.**

**Fines.**

**Damages.** SECTION 2. That if any captain or commander of any vessel or tug boat navigating said creek or river shall wilfully, carelessly or negligently cause or permit any damage or injury to be done to the said bridge in passing or endeavoring to pass such vessel through the same, such owner or owners shall forfeit and pay all the actual damages so done to said bridge with costs of suit, to be proceeded for and recoverable in the name of the State upon the information of the said keeper, and to be paid to the treasurer of Sussex County for the use and benefit of said county.

**To drive over bridge in a walk.** SECTION 3. That any person driving any carriage, wagon, cart or coach, or riding on horseback over said bridge shall check his horse, horses or team upon arriving at said bridge on either side thereof and drive over said bridge with his horse, horses or team in a walk, and if any person or persons shall intentionally or wilfully offend against this provision every person for every such offence shall forfeit and pay a sum not exceeding five dollars with costs of suit, to be proceeded for and recoverable before any Justice of the Peace in and for Sussex County in the name of the State upon the information of said keeper. One-half of said fine to be applied to use and benefit of said keeper prosecuting for the same, and the other half thereof to the treasurer of Sussex County for the use and benefit of said county.

**Penalty how collected.**

## OF ROADS AND BRIDGES.

SECTION 4. That the Levy Court of Sussex County be and they are hereby required to make an annual appropriation at the March session thereof a reasonable and sufficient allowance to the said keeper of said bridge as a compensation to the said keeper for the services enjoined upon him by this act. <sup>Appropriation to bridge tender.</sup>

SECTION 5. That if through the death, removal, or resignation of the keeper of said bridge, or from any other cause otherwise than by regular expiration of the term thereof, there shall be no person authorized to perform the duties enjoined by this act, the Levy Court Commissioner for Broad Creek Hundred, Sussex County, shall have power and is hereby authorized to fill the vacancy by the appointment of a suitable person to perform said duties for the remainder of said term. <sup>Vacancy, how filled.</sup>

*Passed at Dover, April 9, 1889.*

## TITLE NINTH

### Regulations Concerning Trade.

#### CHAPTER 615.

##### OF PROTESTED NOTES.

###### AN ACT concerning notice of protest of Promissory Notes.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Not neces-  
sary to give  
personal  
notice.

Protest  
may be  
mailed.

SECTION 1. That hereafter it shall not be necessary that personal notice of protest shall be served on any indorser of any promissory note payable at any bank within this State; but in all cases, it shall be sufficient to fix the responsibility of such indorser to mail for him notice of such protest.

*Passed at Dover, April 24, 1889.*

#### CHAPTER 616.

##### OF CANALS.

A SUPPLEMENT to the act entitled "An Act in relation to the proposed Canal intended as a free inland water way connecting Assawaman Bay with Delaware Bay," passed at Dover, April 4, 1887.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Chap. 139,  
Volume 18,  
Laws of  
Delaware,  
amended.

SECTION 1. That in addition to the sum of two thousand and five hundred dollars provided for by Chapter 139 of Volume 18 of the Laws of Delaware, it being an act entitled

## OF CANALS.

"An Act in relation to the proposed Canal intended as a free inland water way connecting Assawaman Bay with Delaware Bay," the further sum of fifteen hundred dollars is hereby appropriated out of any unappropriated moneys in the Treasury of this State, for the purposes mentioned in and subject to the provisions of the said act to which this is a supplement.

Fifteen  
hundred  
dollars ap-  
propriated.

SECTION 2. That for services that may be performed after the present session of the Legislature, the commissioners designated in Section 3 of the act to which this is a supplement shall receive such compensation as the Legislative Committee at its session in January A. D. 1890 shall think proper to allow, and such allowance shall be paid by the committee's draft on the State Treasurer. If the said commissioners shall not have completed the service required by the said act before the session of said Legislative Committee, they shall present to the General Assembly, at its next session, an account of the services rendered by them, under said act, subsequently to the session of the said Legislative Committee for allowance.

Compensa-  
tion of com-  
missioners  
and how  
paid.

SECTION 3. Whenever any award by the special commission of five freeholders provided for by Section 3 of the act, to which this is a supplement, shall have been returned to and approved by the Associate Judge resident in the County of Sussex, the said award so returned and approved shall be filed in the office of the Prothonotary in and for said county.

Award and  
return when  
approved to  
be filed in  
Prothono-  
tary's office

*Passed at Dover, April 18, 1889.*

## OF HAWKERS AND PEDDLERS.

## CHAPTER 617.

## OF HAWKERS AND PEDDLERS.

AN ACT to amend \* sixty-eight of the Revised Code.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*Chapter 617,  
Revised  
Code,  
amended.

SECTION 1. That Chapter sixty-eight of the Revised Code be amended by striking out the whole of Section 3 thereof as amended, and inserting in lieu thereof the following:

Who con-  
sidered a  
peddler.

SECTION 3. Any person who shall drive a carriage, wagon, cart, or other vehicle, from which personal property is retailed, or shall carry a pack from which personal property is retailed, shall be considered a peddler within the meaning of this Section.

License to  
be in name  
of peddler.

A license procured under this Section shall be in the name of such person.

To give  
bond to be  
approved  
by Clerk of  
the Peace

Peddlers shall procure licenses and enter into a bond to the State in the sum of five hundred dollars, with sufficient surety to be approved by the Clerk of the Peace, conditioned for their good behavior, and compliance with the law, to which bond there shall be annexed a power of attorney for the confession of judgment thereon, and such bond shall be entered in the Superior Court, by the Clerk of the Peace for the county, and execution thereon issued upon the violation of any of the provisions of this chapter by the person giving the same. The proceeds arising from such execution shall be one-half for the use of the State, the other half for the use of the person upon whose complaint such peddler was arrested for such violation of the law.

Power of  
attorney  
annexed.  
Bond to be  
entered.Distrib-  
tion of  
proceeds.Price of  
license

Peddlers shall pay for such license as follows: For a foot-peddler's license, fifty dollars; for a license to travel with one horse, fifty dollars; for a license to travel with two horses, seventy-five dollars; for each additional horse, twenty-five dollars; for a license to travel with a carriage, cart, or other vehicle drawn by one horse, one hundred dollars; for a license to travel with a vehicle drawn by two horses, one hundred dollars, and for each additional horse,

\*So enrolled.

## OF HAWKERS AND PEDDLERS.

fifty dollars; for a license to sell clocks, coffee or tea, fifty dollars in addition to the above license fees, and a special license to deal in those articles, shall be issued to each peddler or driver of a vehicle as above, who desires to sell such articles, or any of them. The licenses above named shall not authorize the sale of any drugs or medicines. All licenses issued by the Clerk of the Peace, under the authority of this Section, shall be numbered consecutively from one upwards in each year, with the date of the issue thereon, which numbers shall be in figures not less than 3 inches in length, and the Clerk of the Peace for each county shall keep a correct and accurate list of the names and residences of all persons to whom licenses may be granted under this Section, together with the number of each license so granted, which list shall be open at all times for the inspection of any person desiring to examine the same.

Special license to sell clocks, &c.

Not to sell drugs or medicines.

License, how numbered.

Clerk of the Peace to keep accurate account for inspection.

Any person to whom a license shall have been granted under this Section, shall expose his license upon a prominent and conspicuous place on his carriage, wagon, cart, or other vehicle, or upon his pack, and upon request of any person shall allow him to inspect the same. Any person who shall deal or traffic as a peddler without a license, or contrary to his license, or in things not authorized by his license, or shall lend or borrow a license for trading under the same, or who shall not expose his license in a prominent and conspicuous place upon his carriage, wagon, cart, or other vehicle, or upon his pack, or who shall refuse to allow any person requesting the privilege to inspect his license, shall be deemed guilty of a misdemeanor, and upon conviction thereof in the Court of General Sessions of the Peace and Jail Delivery, shall forfeit the amount of any bond given as required by this Section, which shall be entered and executed as above provided, and in addition thereto such fine or imprisonment, or both, shall be imposed by the court as in its discretion may be deemed proper.

License to be exposed to view by peddlers.

Penalty for dealing as a peddler without license.

Penalty for violating the provisions of this act.

Any persons who shall violate the provisions of this Section, or any of them, and shall not have given bond as required by this Section, shall forfeit and pay five hundred dollars, one-half for the use of any person who may sue for the same, but nothing in this Section shall extend to any manufacturer selling or peddling any thing manufactured by him in this State, or to any persons selling or peddling grain, provisions, provender, or fruit grown, prepared or

This act not to apply to goods manufactured from or prepared in this State.



## OF NAVIGATION AND VESSELS.

or to persons selling fish and oysters.

raised upon the land of the person offering the same for sale, or to any persons selling or peddling fish or oysters.

*Passed at Dover, April 23, 1889.*

## CHAPTER 618.

## OF NAVIGATION AND VESSELS.

AN ACT to regulate the navigation of St. Jones' River.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. That it shall be unlawful for any captain or commander of any vessel, boat, barge, or scow, to moor, anchor or make fast in any manner to the west side of St. Jones River, commonly known as the Murderkill side, within one-half mile of the mouth of said river.

SECTION 2. All vessels, boats, barges or scows, lying within one-half mile of the mouth of said river shall be anchored, moored or made fast upon the east or what is commonly known as the St. Jones' side of said river, and in such case not more than two shall lie abreast and in no case to extend beyond the middle of the stream, and when so anchored, moored or made fast, the vessel, boat, barge, or scow, being next to the channel to show the lights as is now prescribed by law.

SECTION 3. All vessels awaiting wind or tide above the aforesaid limit shall moor or make fast (avoiding the channel) upon the convex or point side of said river, keeping the channel and the concave or bend side clear for vessels passing up or down. All vessels, boats, barges and scows going with the tide to have the right of way, those going against the tide to be considered as waiting tide or tide bound.

SECTION 4. It shall be the duty of the captain or commander of any vessel, boat, barge, or scow, upon entering said river to house their anchor or anchors, that is to say, to

## OF PILOTS AND PILOTAGE.

so place them that they will not protrude over the railings of <sup>anchors to be housed.</sup> their respective crafts.

SECTION 5. In case of damage resulting from collision or otherwise by reason of the violation of any of the provisions of this act, the owner or owners of the vessel, boat, barge or scow, whose captain or commander has violated the aforesaid provisions shall, as well as said captain or commander, be liable to the owner or owners whose vessel, boat, barge, or scow is injured by reason of said violation as for gross negligence and shall pay to the owner or owners of said vessel, boat, barge, or scow, suffering such injury all the actual damages sustained, together with damages caused from detention by reason of said injury, with cost of suit, to be recovered by an action of trespass on the case. <sup>Owners to be liable for damages for violation of this act.</sup>

SECTION 6. This act shall be deemed and taken to be a public act, and all acts or parts of acts contrary to the provisions of this act so far as concerns St. Jones' River are hereby repealed. <sup>Public act.</sup>

*Passed at Dover, March 18, 1889.*

## CHAPTER 619.

## OF PILOTS AND PILOTAGE.

AN ACT to amend an act entitled "An Act regulating Pilots and Pilotage of and in the Bay and River Delaware."

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. That the act entitled "An Act regulating Pilots and Pilotage of and in the Bay and River Delaware," passed at Dover, April 5, 1881, as supplemented and amended by Chapters 145 and 554, of Volume 17 of the Laws of Delaware, be and the same is hereby annulled\* by striking out all of Section 3 of said act, and inserting in lieu thereof the following, to wit:

\*So enrolled.

<sup>Act regulating pilots and pilotage as supplemented by Chapters 145 and 554, Volume 17, amended.</sup>

## OF PILOTS AND PILOTAGE.

When li-  
cense of  
first and  
second class  
are to be  
granted.

To give  
bond to the  
Governor.

License not  
to be grant-  
ed to any  
one not ap-  
prenticed  
prior to  
March, 1839  
Licenses to  
be reduced  
to forty.

License to  
be granted  
to senior  
apprentice.  
Proviso.

"SECTION 3. That no license of the first or second class shall be granted to any person or persons except such person as have heretofore held or do now hold such license under the laws of this State, or shall have served a regular apprenticeship of at least six years to a licensed pilot of this State, on board of a Delaware Bay and River pilot boat; nor shall any license be granted until the person applying shall have given bond, with sufficient surety, to the Governor of this State, in a sum not exceeding five hundred dollars, conditioned for the true and faithful performance of the duties and services required by this act and that he will not aid or assist in defrauding the revenue of the United States, and that he will deliver up the license to him granted when required by the board in pursuance of the provisions of this act, nor shall any license be granted to any person except such as may have been apprenticed prior to the first day of March A. D. 1889, until the number of pilots licensed under the laws of this State shall have been reduced to forty, and thereafter such number of forty shall not be exceeded. Whenever and as often as a vacancy shall occur by reason of the number of pilots being reduced to less than forty, a license shall be granted to the senior apprentice who has served six years, and is otherwise duly qualified under the laws of this State; *Pro- vided*, That no person shall be entitled to a license as pilot for any branch, without first having under the immediate inspection of his master, or a pilot of the first branch, conducted a square-rigged vessel, (at least brig rigged) twenty times up and twenty times down the river and bay.

Section 5  
of said act  
amended.

Fees of re-  
tained pilots

SECTION 2. That Section 5 of said act be, and the same is hereby amended, by striking out the words "such as are solely coal laden," in the third line of said section, and inserting in lieu thereof the words following, to wit: "American vessels whose cargoes are exclusively of coal mined in the United States," and by striking out all after the word "of" in the ninth line of said section, and before the word "and" in the tenth line of said section, and inserting in lieu thereof the words following, to wit: "A straight line from Cape Henlopen Light to Cape May Light" and by adding at the end of said section the words following, to wit: Any pilot retained as pilot on a vessel inward bound to the Delaware Breakwater, shall be allowed detention money at the rate of three dollars for every twenty-four hours, or any portion thereof that he may have been so retained; after the expiration of twenty-four hours from the time the anchor shall have been let go,

## OF PILOTS AND PILOTAGE.

off the Breakwater. If a vessel is eventually ordered to Philadelphia, or other port on the Delaware Bay or river, and the same pilot has been retained, the total charge for inward pilotage shall be one full inward pilotage, and detention money as above provided. If the pilot is discharged at the Breakwater, and the same or another pilot afterward employed to pilot the vessel to Philadelphia, or other port on the Delaware Bay or river, the total inward pilotage shall amount to one and one-half inward pilotage, and detention money as above provided.

Total Inward pilotage.

SECTION 3. That Section 12 of said act be and the same is hereby amended by striking out the words "inward bound" in the first and second lines of said section, and by inserting between the word "by" and the word "ice" in the third line of said section, the words following, to wit: "Order of the master, owner, or consignee of such vessel or by quarantine or," and by striking out the word "him" in the third line of said section and inserting in lieu thereof the words following, to wit: "such pilot," and by striking out the words "after being so detained for forty-eight hours," in the fourth and fifth lines of said section, and by striking out the words "as if he had conducted such ship or vessel to her port of destination," in the seventh and eighth lines of said section, and by striking out the words "in case such pilot shall be detained more than forty-eight hours," in the eighth and ninth lines of said section.

Section 12 of said act amended.

SECTION 4. That the said act be and the same is hereby further amended by striking out all of Section 18 of said act, and inserting in lieu thereof, the following, to wit:

Section 18 of said act stricken out and following substituted.

"SECTION 18. The fees for pilotage are hereby established as follows: For every merchant vessel propelled by steam or sails and not exempted from pilotage by virtue of these regulations, inward bound, spoken outside of a straight line southward and eastward of Fenwick's Island Light House, to Five Fathom Bank Light Ship, and northward and eastward from Five Fathom Bank Light Ship to Hereford Light House, drawing next\* more than twelve feet, four  $\frac{1}{100}$  dollars per foot. For every such vessel inward bound, drawing over twelve feet, four  $\frac{2}{100}$  dollars per foot. For every such vessel, inward bound, spoken inside of the above line, and outside of a straight line drawn from Cape Henlopen Light to Cape May Light, drawing not more than twelve feet, three  $\frac{1}{100}$  dollars

Fee for pilotage.

\*So enrolled.

## OF PILOTS AND PILOTAGE.

per foot; drawing over twelve feet, four  $\frac{50}{100}$  dollars per foot. For every such vessel, inward bound, spoken inside a straight line from Cape Henlopen Light to Cape May Light, drawing not more than twelve feet, three  $\frac{37}{100}$  dollars per foot; drawing over twelve feet four  $\frac{50}{100}$  dollars per foot. For every such vessel, outward bound, drawing not more than twelve feet, three  $\frac{37}{100}$  dollars per foot. For every such vessel outward bound, drawing over twelve feet, four  $\frac{50}{100}$  dollars per foot. Every such vessel bound to the Breakwater for orders, shall pay pilotage fees as follows: A sum equal to one-half of the inward rates of pilotage to the port of Philadelphia, and the same fees when outward bound from the Breakwater.

Public act. SECTION 5. That this act shall be deemed and taken to be a public act, and all acts, or parts of acts, inconsistent herewith, are hereby repealed.

*Passed at Dover, April 25, 1889.*

## TITLE TENTH.

## Of Corporations.

## CHAPTER 620.

## OF CORPORATIONS.

AN ACT to amend An Act to incorporate the Odessa and Middletown  
Narrow Gauge Railway, passed at Dover, April 8th, 1873.

*Be it enacted by the Senate and House of Representatives  
of the State of Delaware in General Assembly met (two-  
thirds of each branch of the Legislature concurring):*

SECTION 1. To drop or expunge the words "narrow  
gauge" wherever they occur, either in the title, or in the  
body of the Charter.

Words  
"Narrow  
Gauge" to  
be ex-  
punged.

SECTION 2. That in Section 2 of the said act, drop or ex-  
punge the words, "The amount of said increased capital,"  
and substitute the words "fifty thousand dollars."

Capital  
stock.

SECTION 3. That in Section 9 of said act, insert the  
words, "of any gauge," between the words, "construct a  
railway," and the words, "from any point," so that it shall  
read: "Construct a railway of any gauge, from any point."  
This act shall take effect from its passage.

Section 9:  
amended.

*Passed at Dover, January 30, 1889.*

## OF CORPORATIONS.

## CHAPTER 621.

## OF HOMEOPATHIC HOSPITAL.

AN ACT to incorporate the Homeopathic Hospital Association of Delaware.

Preamble. WHEREAS, By private munificence an association has been formed in the City of Wilmington known as the "Homeopathic Hospital Association" for the purpose of establishing and maintaining a hospital or hospitals in the State of Delaware, wherein sick, infirm, injured and diseased persons may be nursed and receive medical and surgical treatment and support, and where maternity cases may be taken in, provided for and carefully nursed, and where dispensaries may be located for treatment of cases among the more needy and poorer classes in the community, as well as to establish in connection with the hospital work, training schools for the education and training of both men and women for the duties of nursing the sick and wounded; and

WHEREAS, Said association having been incorporated in conformity with the provisions of the act passed by the General Assembly of the State of Delaware, March 14, 1883, now find by the experience of more than a year in the work that important changes and additions are required by them in the act of incorporation for the better prosecution of their work which cannot be obtained from the courts, therefore they ask the Legislature of Delaware to grant them a charter which shall be a substitute for the one under which they are now working; and

WHEREAS, The General Assembly of the State of Delaware recognizing the importance of the work undertaken as set forth in this application and wishing to give them proper encouragement in their efforts to do good, therefore,

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch concurring):*

SECTION 1st. That John Taylor Gause, William G. Pennypacker, Wm. M. Fields, Daniel W. Taylor, Benjamin Nields, Joshua L. Pusey, Alfred Gawthrop, Stansbury J. Willey, Clement B. Smythe, Mrs. J. Taylor Gause, Mrs. Geo.

## OF CORPORATIONS.

S. Grubb, Mrs. C. Newbold Trump, Mrs. Geo. W. Stone, Mrs. Benjamin Nields, Mrs. W. H. Watson, Mrs. C. Wesley Weldin, Mrs. James Bailey, Mrs. Jas. E. Parmalee, Mrs. Elizabeth B. Mendenhall, Mrs. Joseph Pyle, Mrs. Chas. W. Pusey, Mrs. Geo. S. Capelle, Mrs. Leonard Kittinger, Mrs. Joseph Bellah, Mrs. Francis Garrett, Mrs. Clement B. Snuythe, Mrs. William H. Drien, Mrs. A. Negendank, Mrs. Harlan Gause, Mrs. Stansbury J. Willey, Mrs. C. F. Rudolph, Mrs. Thomas Darlington, Mrs. J. A. Cranston, Mrs. Thomas H. Sarny, Mrs. Henry C. Robinson, Mrs. Joseph R. Phillips, and their associates be and they are hereby incorporated and made a body politic in law by the name and style of the "Homeopathic Hospital Association of Delaware," and by the same name they shall have succession for twenty years, and shall be capable in law to sue and be sued, plead and be impleaded in all courts of record and elsewhere, and shall have power and authority to make and use a common seal and to alter and change the same at their pleasure, and shall be competent and capable in law and equity to take and to hold to them and their successors for the use of said corporation lands, tenements, hereditaments, goods, chattels, rights, interests and effects of any kind, nature or quality, whatsoever by gift, grant, bargain, sale, conveyance, assurance, will, testament, devise or bequest from any person or persons capable of making the same and the same from time to time to grant, bargain, sell, demise, alien, lease and dispose of for the use of the said corporation, and they shall have the power to purchase, or erect such building or buildings as may be necessary for the purposes of said association, and power also to do all and singular the things necessary, proper and lawful to be done for the well being of said association and the due management and well ordering of the affairs thereof; *Provided*, That the clear yearly income of the lands and tenements to be taken and holden as aforesaid shall not exceed the sum of twenty thousand dollars, and further the value of the real and personal estate of which said association may become seized and possessed, shall not exceed the sum of two hundred and fifty thousand dollars.

To acquire  
lands, &c.

Provido.

SECTION 2ND. The persons so named and empowered to act as incorporators are hereby authorized to divide themselves into two bodies; the nine gentlemen named shall constitute a "Board of Trustees," who shall perform all the duties of trustees, under this act, to have charge of all real estate, to have charge of all gifts of monies or real estate and

Board of  
trustees.



## OF CORPORATIONS.

bequests or legacies made to the association; to have the custody of all monies left by will, or set apart for the endowment fund, or monies to be held by the association where the principal is to be invested and the income used for general hospital expenses. They shall make by-laws for the government of the corporation and rules and regulations for their own government. They shall from their own number elect a President and Vice President for the corporation, and also appoint a Secretary and Treasurer who need not of necessity be of their number. Their successors shall be elected annually as shall be provided for in the by-laws, which annual meeting shall be held on the third Saturday of November in each year; they shall be elected by the contributors to the Hospital Association, and any one having contributed the annual sum of five dollars and upwards during the current year shall become a member of the association, and be authorized to vote at the annual election of that year. The members of the Board of Trustees must be members of the association, made so by their annual contribution, as provided for by the by-laws. Any vacancy occurring in the Board of Trustees from death, resignation or otherwise in the interval between regular elections may be filled by the then existing board, and the person or persons so made trustees shall hold office until the next regular election thereafter. The Board of Trustees shall hold their first meeting within ten days after the passage of this act, in the City of Wilmington, at such place and hour as they or a majority of them shall designate. Stated as well as special meetings of the board may be called at such times as shall be provided for in their by-laws.

## "BOARD OF MANAGERS."

Woman  
corporators  
to be a  
Board of  
Managers.

Shall ap-  
point  
officers, &c.

SECTION 3rd. The twenty-seven women named in this act shall constitute a Board of Managers, and they shall have full power under this act to take the entire charge and control of all matters relating to the conduct, care and management of the hospital and grounds, and for that purpose they shall appoint officers, employ matrons, nurses and assistants and help of every kind; they shall elect the house and dispensary staff of physicians and surgeons; regulate the admission and discharge into and from said hospital; they shall appoint its various committees and prescribe the duties thereof; receive all subscriptions and contributions towards defraying the expenses of the hospital, and disburse the same as they may deem best for the benefit of said hospital. They shall obtain

## OF CORPORATIONS.

the money for carrying on the hospital work according to their own discretion and judgment by voluntary contributions and otherwise as may be prescribed in their rules. They shall have entire charge of the hospital buildings and grounds, supervise the plans for the erection of new buildings with full power to alter and add to from time to time according to their discretion and best judgment; when they shall authorize the Board of Trustees to buy lands, erect buildings for hospital work, or make alterations and additions to buildings, it shall be the duty of the Board of Managers to provide the funds necessary to carry out their plans. All this may be done without conflicting with the duties and privileges vested in the Board of Trustees.

To have entire charge of hospital.

The Board of Managers shall make the rules to govern their own body and adopt such other regulations as shall be necessary in carrying on the hospital work. They shall from their own number elect a President and Vice President, Recording Secretary, Corresponding Secretary and Treasurer.

Shall make rules.  
Officers to be elected.

The members of the Board of Managers must be members of the association, made so by their annual contributions as provided for in their rules. Their successors shall be elected annually, as shall be provided for in the by-laws, which annual meeting shall be held on the third Saturday of November in each year; they shall be elected by the contributors to the Hospital Association in like manner with the trustees.

Managers to be elected annually

SECTION 4th. Any vacancy occurring in the Board of Managers from death, resignation or otherwise, in the interval between regular elections, may be filled by the then existing board, and the person or persons so made managers shall hold office until the next regular election thereafter.

Vacancies, how filled.

SECTION 5th. The Board of Managers shall hold their first meeting within ten days after the passage of this act, in the City of Wilmington, at such place and hour as they or a majority of them shall designate.

First meeting, when to be held.

SECTION 6th. Stated as well as special meetings of the Board of Managers may be called at such times as shall be provided for in their rules.

Stated and called meetings.

SECTION 7th. That no misnomer of the said corporation shall defeat or annul any gift, grant, devise or bequest to the said corporation; *Provided*, it shall sufficiently appear by the will, gift, grant or other writing that the party making the

Gift, grant or devise to said corporation.

## OF CORPORATIONS.

same intended to give or pass thereby to the said corporation the interest or estate therein expressed or described.

Property of  
corporation  
exempt  
from tax-  
ation.

SECTION 8th. That any and all property now held or that may hereafter be acquired in any manner by said corporation, together with any and all gifts, devises, bequests or legacies to it in any manner heretofore or hereafter given, are and shall be exempt from all taxes, assessments and abatements whatsoever, imposed by authority of the State of Delaware, so long as the same is held or used for hospital purposes.

SECTION 9th. The power of revoking or repealing this act is hereby expressly reserved to the Legislature of this State, and it shall be deemed and taken to be a public act.

*Passed at Dover, January 31, 1889.*

## CHAPTER 622.

## OF THE WILMINGTON COAL GAS COMPANY.

A SUPPLEMENT to the act entitled "An Act to re-incorporate the Wilmington Coal Gas Company of Wilmington, Delaware."

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring therein), as follows:*

Vice Presi-  
dent may  
be elected.

SECTION 1. That the directors of the Wilmington Coal Gas Company shall choose from their number a Vice-President of said company, who in case of the absence, disability, or death of the President of said company, shall perform all of the duties and exercise all of the powers of the President of said company, unless otherwise provided by the by-laws of said company. Such Vice-President shall be chosen in the manner and at the times provided for the election of the President of said company.

SECTION 2. That this act shall be deemed and taken to be a public act, and shall be published with the other public acts

## OF CORPORATIONS.

passed at the present session of the Legislature, *Provided*, Proviso. That the said company shall pay the expense of publishing this act in the laws, and pay to the Secretary of State the same fees and taxes for this act as though it had been a private act.

*Passed at Dover, February 13, 1889.*

## CHAPTER 623.

## OF THE MUTUAL INSURANCE COMPANY OF NEW CASTLE COUNTY.

A FURTHER SUPPLEMENT to "An Act to incorporate the New Castle County Mutual Insurance Company," passed at Dover, February 6th, 1849, and renewed by an act passed January 25th, 1869.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch thereof concurring):*

SECTION 1. That the corporation created by the name and style of "The New Castle County Mutual Insurance Company," under the act to which this is a supplement, passed February 6th, 1849, and which was renewed and continued by an act passed January 25th, 1869, be, and the same is hereby revived and continued for the period of twenty years, Revived and continued for 20 years. and the said act of incorporation as amended and supplemented by the several supplements and amendments to the same, together with the several supplements and amendments to said act of incorporation be, and the same are hereby re-enacted, renewed and continued in force for the period aforesaid.

SECTION 2. The officers and directors who were in office from and after the last annual election of said corporation shall be the officers and directors of the said revived and renewed corporation for the terms for which they were severally elected, and all acts and transactions done and performed by the said corporation and by its officers and directors since the expiration of twenty years from the last renewal of the said act of incorporation shall be as valid to all intents and pur- Present officers continued. Their acts legalized.

## OF CORPORATIONS.

poses and all the powers of the said corporation shall and may be exercised in the same manner and with the same force and effect as if the said corporation had been renewed and continued in existence by an act passed before the expiration of twenty years from the date of the last renewal of its incorporation. All lands, tenements, hereditaments, securities, choses in action and other property of any kind whatsoever held by the said corporation at and before the expiration of twenty years from the passage of the last renewal of its incorporation shall continue to be and remain the property of the said corporation and shall be held and administered under the powers granted in and by the said act of incorporation and the several amendments and supplements thereto. The corporation hereby revived shall continue to be liable upon all policies of insurance, contracts, and obligations of whatever kind or nature in like manner as if the said incorporation had been renewed within twenty years after the last renewal of it.

corporation  
liable on all  
policies of  
insurance.

SECTION 3. This act shall be deemed and taken to be a public act.

*Passed at Dover, February 20, 1889.*

## CHAPTER 624.

## OF THE LOMBARDY CEMETERY COMPANY.

AN ACT to incorporate The Lombardy Cemetery Company.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring herein):*

Public  
cemetery in  
Brandy-  
wine fld.

Amount of  
capital  
stock.

SECTION 1. That the company incorporated by and under this act is formed for the purpose of establishing and maintaining a public cemetery in Brandywine Hundred within two miles of the City of Wilmington. The capital stock of said company shall not exceed the sum of forty thousand dollars (\$40,000.00) and shall be divided into shares each of the par value of one hundred dollars (\$100.00). Each of said

## OF CORPORATIONS.

shares shall be full paid at the time of its issue and shall not be liable to any call or assessment thereafter.

SECTION 2. That Alfred S. Elliott, Thomas Mitchell and Harry Emmons be and they are hereby appointed commissioners to do and perform the several things hereinafter mentioned, to wit: They shall procure and cause to be opened at such time and place and on such notice as they shall deem proper a suitable book for subscriptions to the capital stock of the Lombardy Cemetery Company incorporated by and under this act; and they may permit such persons to subscribe in said book for such number of shares of said capital stock and in such manner as said commissioners shall deem proper. They may until the organization of said company receive payment for said stock so subscribed for and shall account to said company upon its organization for the moneys so received in payment for said stock. In all things to be done or performed by said commissioners under the provisions hereof, any two of them, or their survivors or survivor shall have full power to act. When and as soon as forty (40) shares of the capital stock of said company shall be subscribed and fully paid for, the persons so subscribing and paying for said stock, and such other persons as shall at any time become stockholders in said company, their successors and assigns, shall be and they are hereby declared to be incorporated by the name, style and title of The Lombardy Cemetery Company, and by said name shall have perpetual succession, and shall have power and capacity to sue and be sued, plead and be impleaded in courts of law or equity, and to purchase, take, own and hold by contract, deed, devise, bequest, gift, assignment or otherwise howsoever, real and personal estate of every kind, and the same to grant, mortgage for purchase money only, sell, alien, convey, and dispose of in such manner, and upon such terms and conditions as said company or its successors shall think proper; to enter into any and all contracts necessary or proper to be made in the conduct of its business, and to declare dividends of the profits of said company; to have a common seal; to ordain by-laws for the government of said company not repugnant to the Constitution or Laws of this State or of the United States; to exercise and enjoy all the franchises incident to a corporation, and generally to do all and singular those matters and things which shall appertain to the well being and ordering of said company; *Provided*, That said company shall not commence business until organized as hereinafter provided.

Corporators

Books for subscription to capital stock.

Corporation may receive pay for stock and account to company.

Incorporated when 40 shares are subscribed and paid for

Name of

Seal.

By-laws.

When the company may commence business.

## OF CORPORATIONS.

SECTION 3. That the business and concerns of said company shall be conducted and managed by a board of five directors who shall be elected by the stockholders in said company from among their own number. The first election of directors shall be held as hereinafter provided; and all subsequent elections of directors shall be held at the annual meeting of the stockholders. The directors shall continue in office until the annual meeting of the stockholders next succeeding their election or appointment, and until their successors shall be duly chosen. Any vacancy in the said board of directors occasioned by death, resignation, inability to serve or otherwise, shall be filled by appointment made by a majority of the whole board of directors. The office of a director shall be vacated by his ceasing to be a stockholder.

There shall be a President of said company, who shall be elected by the board of directors from among its members.

There shall be a Secretary and Treasurer of said company who shall be elected by said board. The Secretary and Treasurer may or may not be the same person and may or may not be directors or a director or stockholders or a stockholder as said board may deem proper. The first election of President, Secretary and Treasurer shall be held as hereinafter provided, and all subsequent elections of President, Secretary and Treasurer shall be held at the meeting of the board of directors next succeeding the annual meeting of the stockholders in each year, except as hereinafter provided to the contrary. The President, Secretary and Treasurer shall continue in office until their successors shall be duly chosen;

*Provided, however,* That the President, Secretary and Treasurer may at any time be removed from office by an affirmative vote of at least four directors at a meeting of the board duly called for that purpose; and thereupon the office from which he shall have been removed shall become vacant. Any vacancy in the office of the President, Secretary or Treasurer occasioned by death, resignation, inability to serve or otherwise, shall be filled by appointment made by a majority of the whole board of directors. The President, Secretary and Treasurer shall respectively perform such duties and receive such compensation as shall be assigned to and provided for them by the board of directors. No officer of said company who shall be a director shall vote upon any question touching the compensation to be received by him as such officer.

Three directors shall constitute a quorum for the transaction of all business except the removal from office of the President, Secretary or Treasurer. The board of directors shall

Company to  
be managed  
by Board of  
Directors.

Vacancy in  
board, how  
filled.

President,  
how elected

Secretary  
and Treas-  
urer.

First elec-  
tion of Pres-  
ident, &c.

Officers may  
be removed  
by directors

Vacancies  
to be filled  
by appoint-  
ment.

Compensa-  
tion to offi-  
cers.

Quorum.

## OF CORPORATIONS.

have power to employ and compensate such other officers, agents or servants as said board shall deem for the welfare of said company and to secure the due and faithful performance of duty by any of the officers, agents or servants of said company by bond with surety or otherwise as shall be provided in the by-laws. Bond.

SECTION 4. That as soon as conveniently may be after forty shares of the capital stock of said company shall be subscribed and fully paid for, said commissioners shall call a meeting of the persons so subscribing and paying for said stock for the purpose of organizing said company by the election of a board of directors and the adoption of by-laws. Said meeting shall be held in the City of Wilmington at such place and time as said commissioners shall deem proper, after at least five days notice thereof given by said commissioners by publication in a newspaper published in said city, stating the purpose and the day, hour and place of said meeting. At said meeting a board of directors shall be elected by ballot who shall continue in office as hereinbefore provided. A majority of all the votes cast shall be necessary to elect. Each of said subscribers whether present at or absent from said meeting may, in person if present, or by proxy if absent, cast at said election or upon the question of the adoption of any by-law or by-laws one vote for each share of the capital stock of said company subscribed and fully paid for by him or her. Said commissioners, or any two of them, shall act as judges of said election. At said meeting said subscribers shall adopt by-laws for the regulation and government of said company by a majority of all the votes cast. On the day and at the place of said meeting and as soon as conveniently may be after its adjournment the board of directors so elected shall hold its first meeting and shall then and there elect a President, Secretary and Treasurer of said company; adopt a common seal; provide for the opening of proper stock books, transfer books, and other books of account, and the issuance of certificates of stock pursuant to the provisions of the by-laws, and transact such other business as shall be brought before said board. Meeting for organization to be held in Wilmington.  
Notice of  
Directors shall be elected by ballot.  
Stockholders may vote by proxy.  
By-laws.  
Books, &c.

SECTION 5. That there shall be an annual meeting of the stockholders of said company which shall be held in the City of Wilmington on the first Saturday of June in each and every year for the purpose of electing a board of directors of said company and transacting such other business as shall Annual meeting.



## OF CORPORATIONS.

Vote of  
stock-  
holders.

By-laws  
may be  
changed at  
any meeting

Annual  
meeting of  
Board of  
Directors.

Special  
meeting.

Certificates  
of stock.

Board of  
Directors  
may autho-  
rize the is-  
sue of capi-  
tal stock.  
Provido.

properly be brought before them. Notice shall be given of said annual meeting pursuant to the provisions of the by-laws. All elections shall be subject to the regulations prescribed in the by-laws. Special meetings of the stockholders may from time to time be called and held pursuant to the provisions of the by-laws. At all stockholders' meetings each stockholder shall be entitled to one vote for each share of stock he or she shall hold, and absent stockholders may, pursuant to the provisions of the by-laws, vote by proxy. At any stockholders' meeting, whether special or annual, subject to the provisions of the by-laws, any by-law or by-laws may be altered, amended or repealed, or any new by-law or by-laws adopted, by a majority of all the votes cast. The holders of a majority of all the capital stock heretofore issued present in person or by proxy shall constitute a quorum for the transaction of all business at any annual or special meeting of the stockholders. There shall be an annual meeting of the board of directors for the purpose of electing a President, Secretary and Treasurer of said company and transacting all such other business as shall be brought before said board, which said annual meeting shall be held on the day and at the place of the annual meeting of the stockholders as soon as conveniently may be after the adjournment of said stockholders' meeting. Special meetings of the board of directors may from time to time be called and held pursuant to the provisions of the by-laws.

SECTION 6. That all certificates of the capital stock of said company shall be sealed with the common seal, and signed and countersigned respectively by the president and secretary of said company. The form of certificates shall be prescribed in the by-laws. The capital stock shall be issued and transferable by the holder or holders thereof at his or their pleasure in person or by attorney, on the books of said company pursuant to the provisions of the by-laws. The board of directors shall have power at any time or times after the organization of said company to authorize the issue of its capital stock in such amounts and to such persons as said board shall deem proper; *Provided*, that the par value of the total stock issued shall not at any time exceed the sum of forty thousand dollars (\$40,000).

Dividends.

SECTION 7. That the board of directors of said company shall from time to time, as shall be provided in the by-laws, make and declare dividends of the net profits of the business of said company (including therein the net proceeds of sale

## OF CORPORATIONS.

of burial lots in the public cemetery to be established and maintained as aforesaid) or of such portion of such profits (including as aforesaid) as said board shall deem proper; *Provided, however*, that at least ten per centum of the net proceeds of sale of all burial lots shall be set apart and invested by said company and constitute a portion of a permanent fund, the income of which shall be used by said company for the maintenance and beautifying of said cemetery in accordance with the provisions of the by-laws of said company.

Ten per centum of net proceeds set apart for maintenance of grounds.

SECTION 8. That if at any time there shall be a failure to elect a board of directors or any of the officers of the said company pursuant to the provisions of this act, said company shall not for that cause be deemed to be dissolved; but in case of a failure to elect a board of directors, the holding over board shall continue in office until their successors shall be elected pursuant to the provisions hereof at a subsequent annual meeting of the stockholders; and in case of a failure by the board of directors to elect the officers or any of the officers of said company, said board shall at a special meeting to be called and held for that purpose as soon as conveniently may be pursuant to the provisions of the by-laws, elect such officers or officer as will supply the omission.

Failure to elect annually not to dissolve corporation

SECTION 9. That all lots of ground sold by the said company shall be exclusively for burial lots; and the cemetery grounds with the buildings, improvements and appurtenances shall be exempt from taxation, and shall not be levied upon or taken by execution or other process of law or equity; and the said lots so sold shall be held subject to the by-laws and regulations of said company; *Provided*, that this section shall not be so construed as to prevent the holder or holders of any mortgage or mortgages given for the original purchase money of the land acquired by said company from enforcing his, her or their lien or liens in the usual manner; *And provided further*, that no burial lots shall be aliened or devised so as to vest any right in the alienee or devisee without the approval of said board of directors.

Exempt from taxation.

Proviso.

SECTION 10. That no street, road, lane, alley or walk shall be opened, made or laid out through said public cemetery or through any adjoining land which may be added to said cemetery by said company, except by and with the consent of said board of directors; and the entire regulation and management of said cemetery shall be under the exclusive control of said board of directors.

Streets and alleys to be laid out with consent of Board of Directors.

## OF CORPORATIONS.

Penalty  
for injury  
to property  
on grounds,  
&c.

SECTION 11. That any person who shall deface, mutilate, injure or destroy any fence, shrub, vine, tree, grave, gravestone, tomb, monument or any other natural object or work of art, belonging to, in or about said cemetery shall be guilty of a misdemeanor, and upon conviction thereof shall forfeit and pay a fine of not less than fifty dollars, and may also be imprisoned for any period not more than three months at the discretion of the court.

SECTION 12. That this act shall be deemed and taken to be a public act, and the corporation hereby created a corporation for public improvement, and the power of revocation is hereby reserved to the Legislature.

*Passed at Dover, Delaware, February 21, 1889.*

## CHAPTER 625.

## OF DELAWARE COLLEGE.

## AN ACT to re-incorporate Delaware College.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Delaware  
College re-  
incorpora-  
ted for 20  
years.

\*That Delaware College, at Newark, Delaware, re-incorporated by act of February 17th, 1869, for a period of twenty years from February 10, A. D. 1871, be and the same is hereby re-incorporated as a college, with the same duties, privileges and prerogatives as now legally enjoyed and exercised by that institution, for a further period of twenty years from and after the 10th day of February, A. D. 1889.

*Passed at Dover, February 21st, 1889.*

\*So enrolled.

## OF CORPORATIONS.

## CHAPTER 626.

## OF ST. JONES' RIVER.

AN ACT to amend an act entitled An Act to incorporate the St. Jones' River Transportation and Improvement Company.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch thereof concurring therein):*

\*That Section one of said act be and the same is hereby amended by striking out the word "twenty" in the seventh line, and inserting in lieu thereof the words "one hundred," and also by striking out the word "twenty" in the eighth line of said Section one and inserting in lieu thereof the words "one hundred."

Section 1 of act to incorporate St. Jones River Transportation Company amended.

*Passed at Dover, February 28, 1889.*

## CHAPTER 627.

## OF THE HENLOPEN PIER AND TRANSPORTATION COMPANY.

AN ACT to incorporate the Henlopen Pier and Transportation Company.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring therein):*

SECTION 1. That William Q. Carter, Charles H. Maull, David L. Mustard, David Hall, Hiram R. Burton, John H. Dodd, Franklin C. Maull, William H. Virden and Robert Arnell, and all such other persons as now are or shall hereafter become stockholders in a company already formed, and which has erected a pier or wharf on the Bay Shore, opposite the town of Lewes, Sussex County, Delaware, on or near a line with the foot of Market street in said town, and their

\*So enrolled.

## OF CORPORATIONS.

successors and assigns be and they are hereby created and declared to be a corporation and body politic for the purpose or purposes hereinafter mentioned, with full power and authority to locate, construct, complete and maintain a wharf or pier at or near the point on the Delaware Bay shore above designated, or to maintain, extend or enlarge the pier or wharf already erected, and to purchase, procure, or build boats, steam vessels or sailing vessels to run between said pier or wharf, to or from any port or ports, place or places of or in the United States by the name, title and designation of "The Henlopen Pier and Transportation Company" and by that name may have succession, may make and use a common seal, sue and be sued, plead and be impleaded in all courts of law or equity and elsewhere, and shall have full power and authority to purchase, build, hold, occupy and convey such pier, wharf, boats, vessels, lands, tenements and hereditaments, real and personal estate, and to do all such other acts and things as may be necessary to carry into effect the objects of the said corporation. All acts heretofore done by said company not inconsistent with the powers herein conferred are confirmed and declared to be as valid as if they had been done since the passage of this act.

**SECTION 2.** That it shall be lawful for said company to enter upon, have, hold and enjoy, in consideration of making or erecting said wharf or pier, any beach, cape, shore, land and marsh, the property whereof is in this State, or with the consent of the Commissioners of Lewes, any beach, cape, shore, land and marsh vested in said Town of Lewes by the authority of the State, or so much and such parts thereof, with the sand, gravel, timber and materials thereon, as may be necessary and expedient for the location and construction of said wharf or pier, and to contract for, purchase and hold for the purpose aforesaid any other land or marsh as may be necessary.

**SECTION 3.** That the capital stock of the said corporation shall not exceed the sum of twenty-five thousand dollars, which shall be divided into shares of twenty-five dollars each, and shall be employed and invested in the purchase or building of said wharf or pier, boats and vessels, with the steam engines, boilers and machinery, rigging, furniture, tackle and apparatus, and in the repairs necessary thereto from time time, and in the purchase of such real estate as may be necessary for the purposes of this act; and for the purpose of purchasing stages, wagons, horses, &c., for the conveyance of

## OF CORPORATIONS.

passengers and merchandise by land; and that the said capital stock shall be deemed personal estate, and shall be assignable and transferable upon the books of said corporation, agreeably to the by-laws for that purpose to be adopted.

SECTION 4. That the shares now held in the private company already formed as hereinbefore mentioned shall be converted into stock, and that the board of directors hereinafter named, shall have power and authority to open books, at such time or times, and place or places, as they or a majority of them shall think proper, giving at least ten days' notice of the time and place of their meeting, to receive subscriptions for an increase of said stock until it shall amount in the aggregate to the sum of twenty-five thousand dollars as aforesaid.

SECTION 5. That the said company shall be considered as fully organized from the passage of this act, and may proceed to elect their officers, and the board of directors shall and may call in the said increased stock, at such times and in such instalments as they shall deem expedient, giving at least thirty days notice before the same shall be payable, by advertisements posted in at least five of the most conspicuous places in said Town of Lewes; and the said corporation shall have power to make, ordain and establish such by-laws, rules and regulations for the said company as to them shall seem expedient and not inconsistent with the Constitution or Laws of this State or of the United States; such by-laws, rules and regulations may be made, altered or revoked by the stockholders, and by a majority of votes at any general meeting; and the directors may make such additional rules and regulations as may from time to time be deemed necessary to continue in force until altered or revoked by the stockholders at an annual meeting; *Provided*, that the directors shall not repeal, revoke, or alter any by-laws, rule or regulation, ordained or established by the stockholders, or make any rule or regulation conflicting therewith; *And provided also*, that all rules and regulations made by the directors shall be open to the inspection of the stockholders.

SECTION 6. That a general meeting of the stockholders shall be held in Lewes on the first Saturday in May next, and annually thereafter, at such time and place as the by-laws shall direct. Ten days notice of the time and place of holding a general meeting shall be given by advertisements posted in five of the most conspicuous places in said town of Lewes. Special meetings of the stockholders may be called

## OF CORPORATIONS.

by the president and directors, or by stockholders who together shall be proprietors of not less than one-half of the capital stock subscribed and paid in, notice thereof being given as herein provided in the case of a general meeting.

To be under  
control of  
directors, &c.

The affairs, property, and concerns of said corporation shall be under the control and management of nine directors, to be chosen by the stockholders annually by ballot, either in person, or by proxy, and in the choice of directors and upon every other subject coming before the stockholders, each

Provido.

First elec-  
tion for di-  
rectors.

share shall be entitled to one vote; *Provided*, That no letter or power of attorney for voting by proxy shall continue in force more than one year from its date. The first election for directors shall be held at the general meeting in May next, and subsequent directors shall be chosen annually at the general meetings of the stockholders. At the elections for directors, the stockholders shall choose two of their number to act

Vacancies  
in board of  
directors  
how filled.

as judges. Should a vacancy at any time occur in the Board of Directors, it may be supplied by an appointment by the remaining directors until the next election. And if an election of directors shall not be made at the time when pursuant to this act, it ought to be made, the said corporation shall not for that cause be deemed to be dissolved, but such election may be held at any time thereafter upon notice as aforesaid, and the directors for the time being shall continue in all cases to hold their offices until new ones shall have been chosen in their stead.

Who to be  
directors  
until elec-  
tion.

SECTION 7. That William Q. Carter, Charles H. Maull, David L. Mustard, David Hall, Hiram R. Burton, John H. Dodd, Franklin C. Maull, William H. Virden and Robert Arnell of the county of Sussex, shall be and they are hereby declared to be the directors of the said corporation from the passage of this act until the election is held as provided for in the foregoing section. The board of directors for the time being shall have power to elect a President and Secretary from their number, and shall appoint a Treasurer and all such other officers and agents, and employ such workmen, artificers and laborers, as shall be necessary to carry into effect all the powers by this act granted to said corporation; and if they judge it necessary, may exact and take from their officers and agents, bonds for the proper execution of their several duties and trusts, and for the faithful performance of their several contracts.

President  
and Secre-  
tary.

Dir-  
ectors  
may take  
bonds, &c.

SECTION 8. The President when present shall preside at all meetings of the said corporation; and if absent his place

## OF CORPORATIONS.

may be supplied by the appointment of any one of the directors. The directors shall have power and authority to fix, determine and regulate the prices of transportation of passengers, goods, wares and merchandise, wagons, carriages, horses, cattle, stock of every description, and other articles that shall be carried or transported by the said corporation in their boats or otherwise; and also to establish, charge and collect such wharfage for all vessels and steamboats lying, loading or landing at said wharf or pier, as may be just and proper; and no person shall be allowed to use, occupy or enjoy the same without paying therefor as aforesaid, and without the consent of the company. And the Board of Directors shall from time to time declare dividends of so much of the profits of said corporation as they may deem advisable.

Directors may fix charges for conveyance and use of pier.

Dividends.

SECTION 9. That if any subscriber or subscribers to the capital stock of said company shall neglect or refuse to pay any installment or installments on the number of shares which he, she or they may have subscribed or be the holders of, for the space of thirty days after the time appointed for the payment thereof, by advertisements as provided in the fifth section of this act, in such case the President and directors may either declare such share or shares forfeited, and sell and dispose of the same for the use of the company, or they may in the name of the said corporation sue for and recover the sum or sums so remaining unpaid, with costs and interest thereon; and such delinquents during the time that any of the installments shall remain due and unpaid, shall not be entitled to vote at any meeting of the stockholders, or to receive any dividends on the stock standing in their names. Nothing in this act shall be so construed as to prevent the directors from calling in the full amount of said increased stock instead of installments of the same.

Neglect to pay for stock may forfeit it.

SECTION 10. That the said company shall not use or employ any part of the capital stock or other funds for banking or other purposes not clearly indicated in this act, except that the directors may lend at interest upon bond, mortgage, or other security, such funds as they may set apart for the purposes of a contingent fund.

Capital stock shall not be used for banking purposes.

SECTION 11. That this act shall be deemed and taken to be a public act, and the power to alter, amend or repeal the same is hereby reserved to the Legislature.

Public act.

*Passed at Dover, March 7, 1889.*



## OF CORPORATIONS.

## CHAPTER 628.

## OF THE BAY HEAD AND NEW YORK TERMINAL COMPANY.

AN ACT to incorporate the Bay Head and New York Terminal Company.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring herein):*

Purpose of  
corporation

SECTION 1. That the company incorporated by and under this act is established for the purpose of carrying by water passengers and freight of all kinds for hire by coastwise navigation of the high seas along the coasts of the United States, and by inland navigation of any of the waters of the United States. The capital stock of said company shall not exceed the sum of fifty thousand dollars and shall be divided into shares each of the par value of one hundred dollars. Each of said shares shall be full paid at the time of its issue, and shall not be liable to any call or assessment thereafter.

Capital  
stock.

Corporators

SECTION 2. That Philip Reyhold, Joseph C. Dando and Emil Thielens be and they are hereby appointed commissioners to do and perform the several things hereinafter mentioned, to wit: They shall procure and cause to be opened at such time and place, and on such notice as they shall deem proper, a suitable book for subscriptions to the capital stock of the Bay Head and New York Terminal Company, incorporated by and under this act, and they may permit such persons to subscribe in said book for such number of shares of said capital stock and in such manner as said commissioners shall deem proper. They may until the organization of said company receive payment for said stock so subscribed for, and shall account to said company upon its organization for all moneys so received in payment for said stock. When and as soon as fifty shares of the capital stock of said company shall be subscribed and fully paid for, the persons so subscribing and paying for said stock and such other persons as shall at any time become stockholders in said company, their successors and assigns shall be, and they are hereby declared to be incorporated by the name, style and title of Bay Head and New York Terminal Company, and by said name shall have succession for the period of twenty (20) years next

## OF CORPORATIONS.

following the date of this act, and shall have power and capacity to sue and be sued in courts of law and equity, and in order to accomplish the purpose of its incorporation said company shall have power, authority and capacity to carry on the business of coastwise and inland navigation as aforesaid by vessels propelled either wholly or partially by steam, or by wind or sails or other motive power, and to use and employ such vessel or vessels in the transportation of passengers and freights, and in all lawful commerce and navigation as said company shall deem proper, and to charge, collect and receive therefor such hire, freight, money or rates as it shall deem proper, and to these ends to build, furnish and equip, purchase, charter or hire any vessel or vessels, and to charter, sell, or otherwise dispose of the same at pleasure, to purchase, take, own and hold real, leasehold or personal estate, and the same to mortgage, lease, sell or otherwise dispose of at pleasure, to construct or procure and own or use wharves, landing places, and all such houses, buildings or structures for the security of freight, or for the entertainment, refreshment, convenience and protection of passengers, carried by said company whether before or after their carriage as said company shall deem conducive to the welfare of its said business, to enter into any and all contracts necessary or proper to be made in the conduct of its said business, to have a common seal, to ordain by-laws for the government of said company, not repugnant to the Constitution or Laws of this State or of the United States, and to exercise and enjoy all the franchises incident to a corporation, and generally to do all and singular those matters and things which shall appertain to the well being and ordering of said company; *Provided*, that said company shall not commence business until organized as hereinafter provided.

To carry on  
the business  
of coastwise  
and inland  
navigation.

May build,  
furnish and  
equip ves-  
sels.

Enter into  
contracts.

Seal.

Proviso.

SECTION 3. That the business and concerns of said company shall be conducted and managed by a board of five directors who shall be elected by the stockholders in said company from among their own number. The first election of directors shall be held as hereinafter provided, and all subsequent elections of directors shall be held at the annual meeting of the stockholders. The directors shall continue in office until the annual meeting of the stockholders next succeeding their election or appointment, and until their successors shall be duly chosen. Any vacancy in the said Board of Directors occasioned by death, resignation, inability to serve or otherwise shall be filled by appointment made by a

Directors.

Vacancies  
in board of  
directors,  
how filled.

## OF CORPORATIONS.

President,  
secretary  
and treas-  
urer.

First elec-  
tion of pres-  
ident, sec-  
retary and  
treasurer.

President,  
secretary  
and treas-  
urer may be  
removed.

Vacancies  
how filled.

Compensa-  
tion.

Quorum.

Directors to  
fix compen-  
sation.

Meeting of  
stockhol-  
ders.

majority of the whole Board of Directors. The office of a director shall be vacated by his ceasing to be a stockholder. There shall be a President of said company who shall be elected by the Board of Directors from among its members. There shall be a Secretary and Treasurer of said company who shall be elected by said board. The Secretary and Treasurer may or may not be the same person, and may or may not be directors or a director, or stockholders or a stockholder as said board may deem proper. The first election of President, Secretary and Treasurer shall be held as hereinafter provided, and all subsequent elections of President, Secretary and Treasurer shall be held at the meeting of the Board of Directors next succeeding the annual meeting of the stockholders in each year, except as hereinafter provided to the contrary. The President, Secretary and Treasurer shall continue in office until their successors shall be duly chosen; *Provided, however,* that the President, Secretary or Treasurer may at any time be removed from office by an affirmative vote of at least four directors at a meeting of the board duly called for that purpose, and thereupon the office from which he shall have been removed shall become vacant. Any vacancy in the office of President, Secretary or Treasurer occasioned by death, resignation, inability to serve or otherwise, shall be filled by appointment made by a majority of the whole Board of Directors. The President, Secretary and Treasurer shall respectively perform such duties and receive such compensation as shall be assigned to and provided for them by the Board of Directors. No officer of said company who shall be a director shall vote upon any question touching the compensation to be received by him as such officer. Three directors shall constitute a quorum for the transaction of all business except the removal from office of the President, Secretary or Treasurer. The Board of Directors shall have power to employ and compensate such other officers, agents and servants as said board shall deem for the welfare of said company, and to secure the due and faithful performance of duty by any of the officers, agents or servants of said company by bond with surety or otherwise as shall be provided in the by-laws.

SECTION 4. That as soon as conveniently may be after fifty shares of the capital stock of said company shall be subscribed and fully paid for, said commissioners shall call a meeting of all the persons so subscribing and paying for said stock for the purpose of organizing said company by the

## OF CORPORATIONS.

election of a Board of Directors and the adoption of by-laws. Said meeting shall be held in the City of Wilmington, in this State, at such place and time as said commissioners shall deem proper, after at least five days notice thereof given by said commissioners by publication in a newspaper published in said city, stating the purpose and the day, hour and place of said meeting. At said meeting a Board of Directors shall be elected by ballot, who shall continue in office as hereinbefore provided. A majority of all the votes cast shall be necessary to elect. Each of said subscribers, whether present at or absent from said meeting, may in person if present, or by proxy if absent, cast at said election or upon the question of the adoption of any by-laws or by-law, one vote for each share of the capital stock of said company subscribed and fully paid for by him or her. Said commissioner or any two of them shall act as judges of said election. At said meeting said subscribers shall adopt by-laws for the regulation and government of said company by a majority of all the votes cast on the day and at the place of said meeting and as soon as conveniently may be after its adjournment the Board of Directors so elected shall hold its first meeting and shall then and there elect a President, Secretary and Treasurer of said company, adopt a common seal, provide for the opening of proper stock books, transfer books, and other books of account, and the issuance of certificates of stock, pursuant to the provisions of the by-laws, and transact such other business as shall be brought before said board.

SECTION 5. That there shall be an annual meeting of the stockholders of said company which shall be held on the first Tuesday in March in each and every year for the purpose of electing a Board of Directors of said company and transacting such other business as shall properly be brought before them. Notice shall be given of said annual meeting pursuant to the provisions of the by-laws. All elections shall be subject to the regulations prescribed in the by-laws. Special meetings of the stockholders may from time to time be called and held pursuant to the provisions of the by-laws. At all stockholders' meetings each stockholder shall be entitled to one vote for each share of stock he or she shall hold, and absent stockholders may, pursuant to the provisions of the by-laws, vote by proxy at any stockholders meeting whether special or annual, subject to the provisions of the by-laws. Any by-law or by-laws may be altered, amended or repealed or any new by-law or by-laws adopted by a majority of all the

To be held  
in Wilmington.

To vote by  
proxy if  
absent.

By-laws.

Annual  
meeting,  
when to be  
held.

Notice of  
meeting.

If by-  
laws may be  
altered.

## OF CORPORATIONS.

votes cast. The holders of a majority of all the capital stock theretofore issued present in person or by proxy shall constitute a quorum for the transaction of all business at any annual or special meeting of the stockholders. There shall be an annual meeting of the Board of Directors for the purpose of electing a President, Secretary and Treasurer of said company and transacting such other business as shall be brought before said board which said annual meeting shall be held on the day and at the place of the annual meetings of stockholders and as soon as conveniently may be after the adjournment of said stockholders meeting. Special meetings of the Board of Directors may from time to time be called and held pursuant to the provisions of the by-laws.

Annual  
meeting of  
directors.

Special  
meetings.

Certificates  
of stock.

Capital  
stock trans-  
ferable.

Power to  
issue capi-  
tal stock.

SECTION 6. That all certificates of the capital stock of said company shall be sealed with the common seal and signed and countersigned respectively by the President and Secretary of said company. The form of said certificates shall be prescribed in the by-laws. The capital stock shall be issued and be transferable by the holder or holders thereof at his, her, or their pleasure, in person or by attorney on the books of said company pursuant to the provisions of the by-laws. The Board of Directors shall have power at any time or times after the organization of said company to authorize the issue of its capital stock in such amounts and to such persons as said board shall deem proper, provided that the par value of the total stock issued shall not at any time exceed the sum of fifty thousand dollars.

Dividends.

SECTION 7. That the Board of Directors of said company shall from time to time as shall be provided in the by-laws, make and declare dividends of the net profits of the business of said company or of such portion of such profits as said board shall deem proper.

Meeting of  
stockhol-  
ders or  
board of di-  
rectors may  
be held out  
of the State

Provi-o.

SECTION 8. That any or all special meetings of the stockholders or Board of Directors of said company may be held either within or outside of this State pursuant to the provisions of the by-laws. Said company may have and maintain one or more offices or places of business outside of this State and may pursuant to the provisions of the by-laws, keep any or all of the books of said company at one or more of said offices or places of business outside of this State, *Provided*, that all such books as are necessary to show the financial affairs and condition of said company for the time being shall be produced at the annual meetings of the stock-

## OF CORPORATIONS.

holders and Board of Directors respectively in the City of Wilmington aforesaid and then and there during said meetings be and remain open for the inspection and examination of the stockholders and Board of Directors.

SECTION 9. That if at any time there shall be a failure to elect a Board of Directors or any of the officers of said company pursuant to the provisions of this act said company shall not for that cause be deemed to be dissolved, but, in case of a failure to elect a Board of Directors, the holding over board shall continue in office until their successors shall be elected pursuant to the provisions hereof at a subsequent annual meeting of the stockholders, and in case of a failure by the Board of Directors to elect the officers, or any of the officers of said company, said board shall at a special meeting to be called and held for that purpose as soon as conveniently may be pursuant to the provisions of the by-laws elect such officer or officers as will supply the omission.

Failure to  
elect officers  
not to dis-  
solve corpo-  
ration.

SECTION 10. That this act shall be deemed and taken to be a public act and the power to revoke the same for the misuse or abuse by said company of its privileges is hereby reserved to the Legislature.

Public act.

*Passed at Dover, March 12, 1889.*

## CHAPTER 629.

OF THE BOARD OF STEWARDS OF THE WILMINGTON CONFERENCE OF  
THE M. E. CHURCH.

AN ACT to extend and re-enact the act entitled "An Act to incorporate the Board of Stewards of the Wilmington Conference of the Methodist Episcopal Church," passed at Dover, April 1, 1866.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

That the corporation and body politic which was created and made by the name, style and title of "*The Board of Stewards of the Wilmington Conference of the Methodist*

## OF CORPORATIONS.

Act of incorporation renewed for twenty years with all the privileges of original act.

*Episcopal Church*," by the act of the General Assembly of this State, entitled "An Act to incorporate the Board of Stewards of the Wilmington Conference of the Methodist Episcopal Church," passed at Dover, April 1, 1869, shall be and the same is hereby renewed and extended for another period of twenty years from and after the first day of April A. D. 1889; and that the said corporation shall continue to exercise and be possessed of all the rights, powers, franchises and privileges conferred upon it by the act aforesaid for and unto the end of the full term of twenty years from and after the said first day of April A. D. 1889; and that for the purpose of extending and continuing the said corporation, with all the rights, powers, privileges and franchises which it now enjoys, for the period aforesaid, the aforesaid act creating it, shall be, and the same is hereby re-enacted and extended for a period of twenty years from and after the said first day of April A. D. 1889.

*Passed at Dover, March 29, 1889.*

## CHAPTER 630.

## OF THE CAMDEN BENEVOLENT ASSOCIATION.

## AN ACT to incorporate the Camden Benevolent Association.

*Be it enacted by the Senate and House of Representatives \* in General Assembly met (two-thirds of each branch concurring therein):*

Corporators

SECTION 1. That Mrs. M. A. Ridgely, M. Townsend, A. L. Cooper, M. Ellison, E. Purdie, M. Caulk, A. Carrow, and Misses Mary Slay, Martha Slay, I. F. Lord, and all who shall contribute to the support of the said corporation as provided in Section 2, be and they are incorporated and made a body politic in law, under the name and title of The Camden Benevolent Association and by that name shall have succession for twenty years, and they shall have and \* hereby empowered to have, take, purchase, receive, possess and retain

\*So enrolled.

## OF CORPORATIONS.

to them and their successors for the proper legal use of the corporation as set forth in the title, and more fully explained in Section 4 of this act, any estate, real or personal; *Provided*, that the annual income of the estate held shall not exceed one thousand dollars, to make contracts relative to the objects of the incorporation, to sue and be sued, plead and be impleaded in all courts of law and equity, to establish by-laws and rules for the regulation of the incorporation not in violation of the Laws of this State, and generally all the privileges and franchises incident to a corporation or body politic.

Amount of  
property to  
be held.

SECTION 2. Every person who shall pay to the corporation the sum of one dollar per annum shall be a member while he or she may continue to contribute the said annual sum, such payment to be made as may be prescribed by the by-laws of the said corporation.

Fees to be  
paid by  
members.

SECTION 3. The estate and all business matters of the corporation shall be managed by an executive committee of six persons, and a majority of said committee shall be a quorum for the transaction of business. The corporation shall meet in the town of Camden on Saturday next after the passage of this act, or as soon thereafter as practicable and shall from their number elect the aforesaid executive committee to serve for one year, and annually thereafter on the first Saturday in April the members of the corporation shall meet for the election of the executive committee for the ensuing year at such time and place as the by-laws may provide. Any vacancies occurring in the said executive committee shall be filled by the said committee until the next annual meeting.

Executive  
committee  
to manage  
the business

Meeting to  
elect execu-  
tive com-  
mittee.

Vacancies,  
how filled.

The said executive committee shall immediately after their election organize by the election of a President, Secretary and Treasurer.

Organiza-  
tion of ex-  
ecutive  
committee.

SECTION 4. The purposes of this corporation shall be to look after and care for the poor of the community as far as they may be able, and the use of all the property and estate shall be solely for the execution of the said purpose and for no other use whatsoever, and shall be free from all State, county, school or town tax.

Purposes of  
corporation.

SECTION 5. This act shall be taken to be a public act, and shall be published with other laws of the State.

Public act.

*Passed at Dover, Delaware, March 29, 1889.*



## OF CORPORATIONS.

## CHAPTER 631.

OF THE HOMEOPATHIC HOSPITAL ASSOCIATION OF WILMINGTON.

A SUPPLEMENT to an act entitled "An Act 'o incorporate the Homeopathic Hospital Association of Delaware.

Preamble.

WHEREAS, The association incorporated by the act to which this is a supplement has become established upon a permanent basis, and is being conducted by its founders with a liberal and enterprising spirit;

AND WHEREAS, In order to enable it fully to relieve the sick and suffering within the sphere of its operations, and thus to accomplish the main purposes of its incorporation, funds in addition to those contributed by private charity are now needed, and may from time to time become necessary;

AND WHEREAS, The objects of the Hospital Association are largely of a public and charitable nature, according to the following showing, to wit:

The Homeopathic Hospital in Wilmington has been in operation since February 10th, 1888, and since that time, up to November last, there have been treated in all departments 73 patients in wards, besides 198 cases in the dispensary. Of the total number treated, very few of them paid anything.

The total expenses of running the hospital from February 10th, to the annual meeting in November of last year, was \$3,207.06. Of this sum \$3,047.76 was raised by private contributions, and only \$159.30 from paying patients.

By the above statement, it is shown that the Hospital Association is doing a charitable work, that the hospital is a public necessity, and its influence will not only improve the condition of the destitute classes, but will lessen accordingly the burden of taxation for the support of the poor for New Castle County; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch concurring):*

Levy Court  
authorized  
and empow-  
ered to

That the Levy Court of New Castle County be and it is hereby authorized and empowered at its discretion from time to time, not oftener than once annually, to make appropria-

## OF CORPORATIONS.

tions out of the funds of said county for the use and disposal of the managers of the Homeopathic Hospital Association of Delaware, located in the City of Wilmington; and for that purpose the said court may draw orders upon the treasurer of said county, which orders shall be paid by the treasurer in like manner as are other orders and allowances of the Levy Court made pursuant to existing laws.

*Passed at Dover, April 12, 1889.*

## CHAPTER 632.

## OF DELAWARE HOSPITAL.

## AN ACT to incorporate the Delaware Hospital.

WHEREAS, By virtue of the provisions of Chapter 147 of Volume 17, of the Laws of Delaware, "The Delaware Hospital" has been incorporated, as by reference to the certificate of said corporation, recorded at Wilmington, in the office for Recording Deeds, &c., in and for New Castle County, in Private Act Record D., Vol. 1, page 125, &c., will more fully appear;

AND WHEREAS, The purpose of the said "The Delaware Hospital," are the establishing and maintaining of a hospital or hospitals in the State of Delaware, wherein sick, infirm, injured, or diseased persons may be supported, nursed and receive medical and surgical treatment, and the establishing of a dispensary or dispensaries for the treatment of cases among the poorer classes of the community;

AND WHEREAS, The said "The Delaware Hospital" now finds that important changes are required in its charter of incorporation for the better prosecution of its work, which cannot be obtained from the courts, therefore it asks the General Assembly of the State of Delaware to grant it a charter which shall be a substitute for the one under which it now exists;

AND WHEREAS, The said General Assembly recognizing

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the importance of the work undertaken, as set forth in this application, is desirous of giving proper encouragement to said efforts to do good; therefore,

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch concurring therein):*

Corporators SECTION 1. That Lewis P. Bush, William R. Bullock, James A. Draper, Job H. Jackson, George W. Bush, William P. Bancroft, Mary H. Harrington, Alice Erwin Johnston, Josephine E. Gilpin, Elizabeth C. Rumford, Mary H. J. Bush, Alice Du Pont, Anna T. Canby, Leah J. Bird, and such other persons as now are or hereafter may be associated with them be and they are hereby made, constituted and declared a body politic and corporate in law by the name and style of "The Delaware Hospital," and by that name and style they shall have succession for twenty years and shall be capable in law and equity, to sue and be sued, plead and be impleaded in all courts of record and elsewhere, and shall have power and authority to make and use a common seal, and to alter and change the same at their pleasure, to make and adopt by-laws for the government of the corporation, and the same to alter and amend from time to time, and shall be competent and capable in law and equity to take and hold to them and to their successors for the use of said corporation, lands, tenements, hereditaments, goods, chattels, rights, interests, and effects of any kind, nature or quality whatsoever, by gift, grant, bargain, sale, conveyance, assurance, will, testament, devise or bequest, from any person or persons capable of making the same and the same from time to time to mortgage, grant, bargain, sell, demise, alien, lease and dispose of for the use of the said corporation, and shall have the power to purchase or erect such building or buildings as may be necessary for the purpose of said corporation, and power, also, to do all and singular the things necessary, proper and lawful to be done for the well being of said corporation and the due management and well ordering of the affairs thereof, *Provided*, that the clear yearly income of the lands and tenements to be taken and holden as aforesaid shall not exceed the sum of twenty-five thousand dollars; and further, the value of the real and personal estate of which said corporation may become seized and possessed shall not exceed the sum of five hundred thousand dollars.

May hold  
lands, &c.

Erect  
buildings.

Amount of  
property to  
be held.

SECTION 2. The persons so named and empowered to act

## OF CORPORATIONS.

as incorporators are hereby constituted a Board of Trustees, Board of trustees. with authority to take charge of all the affairs of the corporation until their successors shall be chosen as hereinafter provided.

SECTION 3. All persons who have contributed fifty dollars or more to the funds of the corporation shall in addition to those named in the first section, be members thereof. Other persons may become members as the by-laws shall provide. Who to be members.

SECTION 4. The Board of Trustees shall elect from among their number a President and Vice-President. They shall also elect a Secretary and Treasurer who may or may not be members of said board. The said office of Secretary and Treasurer may be held by the same person. The officers so elected shall be officers of the corporation. President, vice president, secretary and treasurer to be elected.

SECTION 5. There shall be annual meetings of the corporation, the first to be held within thirty days from the passage of this act in the City of Wilmington, at such place and hour as a majority of the trustees shall designate, and afterwards as the by-laws shall provide, at which meeting not less than twenty-five members of the corporation shall be chosen trustees, who shall hold office until their successors shall in like manner be chosen. A failure to elect trustees at any annual meeting shall not dissolve the corporation. Any vacancy in the Board of Trustees may be filled by said trustees for the remainder of the term.

SECTION 6. That no misnomer of the said corporation shall defeat or annul any gift, grant, devise, legacy or bequest to the said corporation; *Provided*, it shall sufficiently appear by the will, gift, grant or other writing that the party making the same intended to give or pass thereby to the said corporation the title, interest or estate therein expressed or described. Misnomer not to defeat any gift, grant, devise, &c.

SECTION 7. That any and all property now held or that may hereafter be acquired in any manner by said corporation, together with any and all gifts, devises, bequests or legacies to it in any manner heretofore or hereafter given are and shall be exempt from all taxes, assessments and abatements whatsoever by authority of the State of Delaware so long as the same is held or used for hospital purposes. Property exempt from taxation.

SECTION 8. It shall be lawful for the Levy Court of any of the counties of the State of Delaware to appropriate any Levy Courts may appropriate

## OF CORPORATIONS.

money to money or monies to the said corporation in aid of the purposes and objects of its creation.

Acts heretofore done, ratified and approved. SECTION 9. That all acts and things and transactions done, suffered or performed heretofore by the said "The Delaware Hospital" under its original charter be and the same are hereby approved, ratified and confirmed, and all lands, tenements, hereditaments, effects, goods and chattels held by the said "The Delaware Hospital" are hereby declared to be vested in the corporation created by this act.

Public act. SECTION 10. The power of revoking or repealing this act is hereby expressly reserved by the Legislature and it shall be deemed and taken to be a public act.

*Passed at Dover, April 16, 1889.*

## CHAPTER 633.

OF THE BANNING'S CEMETERY ASSOCIATION OF NORTH MURDERKILL HUNDRED.

AN ACT to incorporate the Banning's Cemetery Association of North Murderkill Hundred, in Kent County.

Preamble. WHEREAS, The religious society formerly exercising jurisdiction over Banning's Cemetery has been dissolved, leaving said cemetery in a sad state of neglect, and

WHEREAS, The original title held by said religious society seems to have lapsed by limitation, and

WHEREAS, The persons hereinafter named in this act, together with many other residents of North Murderkill and adjacent hundreds, desire the permanent establishment of this the aforesaid Banning's Cemetery that those who bury there may be assured of continued protection to the remains of their relatives and friends who have been interred therein, and also the decent and proper preservation of the grounds.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch concurring therein):*

Corporators. SECTION 1. That McIlroy McIlvaine, Thomas C. Chambers, Thomas E. Terry, Frank A. Chambers, James H. Wil-

## OF CORPORATIONS.

son, Francis M. Dunn, John S. Jester, Wrixham McIlvain, William M. Dickson, Cornelius Frear, John W. Taylor, Luther S. Conwell, and such other persons as may be the proprietors of burial lots in the said cemetery, be and the same are hereby constituted and ordained a body politic and incorporate by the name, style and title of "The Banning's Cemetery Association of North Murderkill Hundred," with power and capacity to take and hold by contract, devise, bequest, gift, assignment, or purchase, lands, tenements, hereditaments, goods and property; to alien, transfer, use and dispose of the same; sue and be sued; have and use a common seal, make by-laws, and exercise all other the franchises incident to a corporation, subject to the following restrictions, viz.: The said corporation shall not have nor exercise any banking powers or privileges, nor hold property, real and personal of a greater amount than five thousand dollars over and above the lands actually used by them for the purposes of such cemetery and the buildings, fixtures, fences and implements belonging to the same.

Amount of  
property  
to be held.

SECTION 2. That the exclusive control and management of the said cemetery shall be under the direction of a board of six directors who shall be elected as hereinafter provided, by the incorporators mentioned in Section one (1) of this act and such other persons as may be the proprietors of burial lots in said cemetery, and the said Board of Directors so elected shall continue in office until their successors shall be duly chosen. Upon the failure or neglect of the corporation to elect in any year the Board of Directors as aforesaid, the said board shall have power to supply by election any vacancy that may occur in their number by reason of death, resignation or otherwise until the next annual meeting of the incorporators. The said corporation\* named in this act and such other persons as may be the proprietors of burial lots in said cemetery shall meet at the residence of Cornelius Frear adjoining the cemetery on the first Saturday in May of this year at two o'clock in the afternoon and proceed to elect from their number the aforesaid Board of Directors. There shall be held an annual meeting for the election of directors and for the transaction of such other business as may be needed for the proper management of said cemetery on the first Saturday in May of each and every year at a place in North Murderkill Hundred, to be named by the Board of Directors by ten days' notice by handbills posted in five public places

Board of  
directors.

Vacancies.

Place of  
meeting.

Annual  
meeting.

\*So enrolled.

## OF CORPORATIONS.

within a radius of three miles from the said Banning's Cemetery.

At the first election held for the purpose of electing directors there shall be elected six directors whose term of office shall be as follows: Two directors shall be elected for three years; two for two years; and two for one year; and annually thereafter there shall be elected two directors in lieu of those whose terms have expired; and also directors to fill any vacancies in any other manner occurring. The said Board of Directors shall elect from among its members a President, a Secretary and a Treasurer and shall adopt a common seal. A majority of the directors shall constitute a quorum to do all business.

President,  
secretary  
and treasurer.

Exempt  
from taxation.

Proviso.

SECTION 3. That the grounds and properties of the said Banning's Cemetery shall be exempted from taxation, and the estate of the proprietors respectively in their respective lots shall be of a qualified inheritance, that is to say: The same shall descend as real estate to heirs, but shall not be levied on nor taken by execution or any process of law or equity and shall not be aliened or devised so as to vest any estate therein in the alienee or devisee without the approval of the Board of Directors, and the said lots shall be held subject to the by-laws and regulations of the said corporation, *Provided*, that the said exemption from legal process shall not extend nor apply to more than the lot or lots designed or used for family sepulture.

Certificates  
of board  
good title.

SECTION 4. That certificates of burial lots according to a form to be prescribed by the Board of Directors, signed by the President, and attested by the Secretary, under the common seal of the said corporation, shall be a valid and sufficient title. The records of the corporation kept by the Secretary in accordance with the by-laws of the same, shall be competent evidence in any court of law or equity, and copies of the said records certified by the Secretary under the common seal of said corporation, shall also be competent evidence in such courts.

Penalty for  
injury to  
buildings.

SECTION 5. That any person who shall willfully do any injury to the aforesaid cemetery or to the buildings, fences, trees, monuments, shrubbery, or fixtures therein, or who shall commit any trespass on the said lands, shall forfeit and pay to the corporation for every such offense, injury, or trespass, the sum of three dollars for the first offense, five dollars for the second offense and ten dollars for the third offense,

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with costs, and in every such case of trespass or damage, the corporation or party injured, may also proceed for damages, with costs. If any person shall place any matter in the cemetery contrary to the regulations of the Board of Directors, and shall not remove the same upon request and pay all damages he shall be deemed a trespasser ab initio, and may be proceeded against as such. Any Justice of the Peace of Kent County shall have jurisdiction of all injuries, trespasses and causes of action arising under this section. Justice of the Peace to have jurisdiction.

SECTION 6. That the said corporation shall, by its Board of Directors, have full power and authority to assess, levy and collect taxes at the rates to be fixed by the by-laws, from the owner or owners of any burial lot or lots in the said cemetery, for the purpose of defraying the necessary expenses of the said association, or for the beautifying, improving, fencing or keeping in good order the grounds of the said cemetery. Board of directors to assess and collect taxes

SECTION 7. The Board of Directors shall have the power to sell burial lots, not now used or appropriated, to such persons as they may think advisable, but all proceeds and profits arising from such sale shall be applied towards improving the grounds of the said cemetery and for no other purpose. Sell burial lots.

SECTION 8. That the said corporation shall be perpetuated by the transmission and transfer of burial lots; or by the regular election of directors as herein provided, and shall be capable at any time of purchasing adjoining land for the enlargement of the said cemetery, *Provided*, that it shall not be lawful for the said corporation to acquire by purchase or otherwise, any land in excess of the quantity needed for burial purposes.

SECTION 9. That nothing contained in this act, shall prevent the relatives or friends of the persons buried in the said Banning's Cemetery, or the owner or owners of burial lots from erecting memorials or beautifying said burial lots; or the right of ingress or egress, at seasonable times and in accordance with the established usages and regulations of the corporation; *Provided*, that no street, lane, alley or walk shall be opened or laid out, through or upon the land of the said cemetery, except by and with the consent of the said corporation first obtained. Owners of lots may erect memorials. Proviso.

SECTION 10. That this shall be deemed and taken to be a Public act.



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public act and the power to revoke the same is hereby reserved to the Legislature.

*Passed at Dover, April 16, 1889.*

## CHAPTER 634.

## OF THE HERRING BRANCH DITCH COMPANY.

AN ACT supplementary to an act passed at Dover, March 24, 1887, entitled "An Act to incorporate the Herring Branch Ditch Company."

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch concurring therein):*

Commissioners named in original act to view low lands and extend ditch.

Location.

SECTION 1. That the commissioners named in the original act to which this is a supplement be and they are hereby appointed to go upon and view the lowlands at the lower end of the lands mentioned and described in the said act to which this is a supplement, known as the Herring Branch Ditch Company, and extend the same with the run of the Old Branch through lands of John F. Derrickson, Joshua J. Derrickson and Peter N. B. Helm to run across the county road leading from Frankford to Thatcher's Landing, and further if the said commissioners deem it necessary.

SECTION 2. *And it is further enacted,* That said commissioners shall also go upon and view the lowlands at the upper end of a prong laid out under the original act, known as the "Davis and Walls Prong," and extend the same by ditch or ditches, with the width and depth sufficient to drain said lowlands into said Herring Branch Ditch, said extension to commence on the east side of the D. M. & V. Railroad, at or near the town of Frankford, and to run on and with lands of said railroad on and through lands of heirs of Hetty C. Davis, Joseph S. Carey, John R. Steel, and others, and to terminate at the depot lot, or such terminus as they the said commissioners may deem proper.

*Passed at Dover, April 19, 1889.*

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## CHAPTER 635.

## OF THE MISPELLION AND BEAVER DAM BRANCH DRAINING COMPANY.

AN ACT to revive, re-enact and amend an act entitled An Act to incorporate the Mispillion and Beaver Dam Branch Draining Company, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met two-thirds of each branch of the Legislature concurring:*

SECTION 1. That the act entitled "An Act to incorporate the Mispillion or Beaver Dam Branch Draining Company, and for other purposes," passed at Dover, March 3d, 1869, be and the same is hereby revived, re-enacted and amended; *Provided,* Revised, re-enacted and amended. that each and every taxable shall have one vote for each and every dollar or fractional part of a dollar so taxed.

SECTION 2. *And be it further enacted,* That the names of William H. Powell and Alexander Johnson wherever they occur in said act be stricken out, and the names of Robert H. Commissioners names stricken out Smith and Edward Sapp be inserted in lieu thereof.

SECTION 3. That the name of Daniel Hill, in the 10th line of the enrolled bill, be stricken out and the name of John H. Johnson inserted in lieu thereof.

SECTION 4. That the commissioners shall call a meeting of the owners of the low lands embraced in the act hereby revived and re-enacted on the 3d Monday of May, A. D. 1889, and every year thereafter. The annual meeting shall be held at the time provided for in the said act hereby Meeting of owners of low lands to be called. Annual meeting. amended.

SECTION 5. That the said commissioners shall have power to extend the ditch or ditches authorized by said act as they may deem necessary to drain said low lands, and make the necessary certificate, plots, assessments and valuations of said low lands through which such extension may run. Power to extend the ditch or ditches.

*Passed at Dover, April 23, 1889.*

## OF CORPORATIONS.

## CHAPTER 636.

## OF THE DIAMOND STATE INSURANCE COMPANY.

## AN ACT to incorporate "The Diamond State Insurance Company."

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring therein):*

**SECTION 1.** That Samuel W. Hall, Caleb S. Pennewill, Robert W. Reynolds, Harry A. Richardson, M. Morris Stevenson, Charles H. B. Day, George H. Gildersleeve, Thomas W. Wilson and J. Thomas Lowe, and all other persons who may hereafter associate with them, shall be a corporation by the name of "The Diamond State Insurance Company" for the purpose of insuring their respective dwelling-houses, stores, barns, shops and other buildings, household furniture, merchandise and other property against loss or damage by fire, and by that name may sue and be sued, plead and be impleaded in all courts of law and equity in this State and elsewhere, shall have all the legal incidents of a corporation aggregate, and also the power to purchase and hold real estate, the clear yearly rental value of which shall not exceed five thousand dollars, and the same to dispose of from time \* as may seem for the interest of said corporation, and the said corporation may have and use a common seal, and at their pleasure alter or renew the same, and may make such by-laws, rules and regulations and the same to alter, or amend, or repeal, as they and their successors shall \*seem proper and expedient for the government and conducting the affairs and business of said corporation; *Provided*, the same shall not be repugnant to the Constitution and Laws of this State or of the United States, and by that name shall have continuance and succession for the term of twenty years from and after the passage of this act.

**SECTION 2.** The persons named in the first section of this act shall be the first directors of the corporation hereby created. Any vacancy occurring in the board by death, resignation, refusal to serve, or otherwise, may be filled by the remaining members of the board until the first annual meeting.

\*So enrolled.

## OF CORPORATIONS.

The meetings of the said corporation shall be held and the business of the corporation shall be carried on and conducted in the Town of Dover, in the County of Kent, State of Delaware, at such place as shall be designated by the Board of Directors until some other place shall be designated by a resolution of the Board of Directors. Meetings, where held.

SECTION 3. The company hereby incorporated shall go into operation whenever in the judgment of the Board of Directors applications for insurance to said Board of Directors will warrant it. When business shall commence.

SECTION 4. The affairs of said company shall be conducted by a board of nine directors who shall be elected at the annual meeting on the third Thursday in January, A. D. 1890, three for one year, three for two years, and three for three years and until others are chosen in their stead at each annual meeting held on the third Thursday in January, A. D. 1891; and annually thereafter three directors shall be elected to serve for the period of three years and until their successors are chosen in their stead. Directors elected at and after the annual meetings shall be members of the company. Vacancies occurring in the Board of Directors, after the first annual meeting, by death, resignation, refusal to serve, ceasing to be a member, or otherwise, may be filled by the remaining members of the board to continue until the next annual meeting, when any such vacancy shall be filled by the members of the company by election for the residue of the unexpired term. The annual meetings of the company shall be held between the hours of ten o'clock A. M. and 1 o'clock P. M. at the office of the company, and prior notice of each of such meetings shall be given by advertisement in one or more newspapers in this State for at least two weeks. The directors may choose a President, Vice President, Secretary, Treasurer, surveyors, appraisers, and other necessary agents. The Vice President shall have such powers as may be conferred and shall discharge such duties as may be enjoined by the by-laws of the corporation. A majority of the directors shall form a quorum, but a smaller number may make insurance. Before discharging any of their duties the directors shall be sworn or affirmed that they will discharge said duties with fidelity and such oath or affirmation shall be certified by the officer administering it and be recorded on the books of the corporation. The President and Vice President shall be chosen from the directors, and the ceasing to be a director shall vacate the office. None of the other officers or Directors.

After first election how vacancies in board are to be filled.

Time of annual meeting.

Notice of meeting.

Officers to be chosen by directors

Quorum.

Directors to be qualified by oath or affirmation.

## OF CORPORATIONS.

agents provided for by the charter shall be required to be directors.

**Election to be by ballot** **SECTION 5.** The elections shall be by ballot and by plurality of votes, and the result shall be certified by the judges who shall be three members who are not directors. The right to vote shall be according to the following regulations:  
**Who to vote** Every member of the company shall be entitled to one vote, and in addition thereto shall be entitled to one vote for each dollar of interest paid on his premium note held by said company in excess of one dollar. No person shall be entitled to vote at any election who is in arrears with the payment of his interest on said notes held by said company.

**Rates of insurance, &c.** **SECTION 6.** The directors may settle rates of insurance, the sum to be insured, the amount of deposit notes, the form\* policy, and all other matters necessary to effect the objects and purposes of this act, subject to the by-laws, and also to the control of the members by a general resolution.

**Insured property to be valued by a director** **SECTION 7.** To procure insurance, application shall be made as required by the by-laws, stating truly the description of the property which shall be valued by a director or some person duly authorized by the company, and the insurance shall be subject to the terms and conditions expressed in the policy or endorsed thereon.

**Insured to execute a note.** **SECTION 8.** Every person who shall become a member of the corporation by insuring therein shall execute to the company a note or bill obligatory for such sum being a per centage on the amount insured as a director shall require in proportion to the risk payable in whole or in part at any time when it shall be necessary for payment of losses or incidental expenses, and for the purpose of raising a contingent fund to pay losses and expenses he may be required to pay interest thereon annually in advance, but such payments and all payments made by the insured shall be entered to his credit on the company's books and shall be applicable to his liabilities as a member, and on his withdrawal or ceasing to be a member the deposit note or bill and all unappropriated interest thereon shall be surrendered and paid back to him at the next annual meeting. If interest be not paid when due the insurance shall be suspended until it is paid without removing the liability of the delinquent as a member of the company. But any person who shall not pay his interest for one year after the same shall be payable shall be deemed to have

\*So enrolled.

## OF CORPORATIONS.

withdrawn and \* such case his note or bill obligatory shall be taken to be cancelled, but such person shall receive any part of any unappropriated interest which he may have paid thereon, but the same shall be deemed to be forfeited to the company, but the directors upon special application within one year after such default may relieve from such forfeiture. The directors may loan or invest any portion of the contin-

Contingent fund may be loaned,

SECTION 9. When any property insured shall be alienated in anywise, whether by operation of law or act of the party, the said insurance shall be vacated unless the policy shall within sixty days thereafter be transferred with the consent of the company indorsed thereon, and the alienee may be required to execute another deposit note or bill and he shall thereupon be a member of the company, and any such policy may be adjusted either as to rate and amount on the request of either the company or the alienee, otherwise it will not need renewal.

Alienation of property to vacate insurance,

SECTION 10. Every member of this company shall be bound to pay for losses sustained and for the necessary expenses of the company in proportion to the amount of his deposit note or bill and the company shall have a lien on all property insured in the nature of a mortgage to the amount of the deposit note or bill which shall continue until all losses and expenses which have accrued or been sustained during the time whilst he was a member of the company shall be fully paid and satisfied. Suits at law may be maintained by the corporation against any of its members for the collection of such note or bill or any assessment thereon or for any liability to the company and suits may be maintained and prosecuted by any member against the corporation for loss or damage by fire if payment be withheld ninety days after notice duly given of such loss, and no member not a party to the suit shall on that account be an incompetent witness.

Members of the company to pay for losses.

Suits at law may be maintained to collect rates, &c.

SECTION 11. The directors shall after receiving notice of any loss or damage by fire sustained by any member and ascertaining the same, or after any judgment recovered against the company for such loss or damage settle and determine the sums to be paid by the several members thereof as their respective proportions of such loss which shall be paid first out of the contingent interest fund, secondly by calling for a part

Loss or damage by fire, how settled.

\*So enrolled.

## OF CORPORATIONS.

or the whole of the deposit notes and bills and finally if the whole of the deposit notes and bills shall be insufficient at any time to pay losses the sufferers insured shall receive a proportionate dividend of said amount and in addition thereto a sum to be assessed on all the members of the company ratably but not exceeding one dollar on every hundred dollars insured to them respectively and no member shall ever be required to pay for any loss occasioned by fire at any one time more than one dollar on every hundred dollars insured in said company in addition to the amount of his deposit note or bill and the interest paid or due thereon nor more than the amount for any such loss after his said note or bill shall have been paid in and expended.

Assessment on deposit notes to be paid to the treasurer in 30 days.

SECTION 12. Any call upon the deposit notes or bills and any additional assessment as aforesaid upon the members shall be payable to the treasurer in thirty days. The directors may appoint a collector for the purpose of collecting the same and if any member for the space of thirty days after demand shall neglect or refuse to pay the sum so assessed upon him as his proportion of any loss as aforesaid the directors may declare his insurance suspended until paid and may also sue for and recover the whole amount of his deposit note or bill and unpaid interest or any additional assessment or both with costs of suit; the amount thus collected shall go to the credit of the party paying it and if any balance remain it shall be returned to him after the next annual meeting when his policy shall be vacated and he discharged from the company.

SECTION 13. This act shall continue in force for twenty years and no longer unless renewed and the Legislature hereby reserves the power of revocation.

Public act.

Company to pay for publication, &c.

SECTION 14. This act shall be deemed and taken to be a public act and shall be published with other public acts passed at this session of the Legislature; *Provided*, that said company shall pay to the State the cost of such publication and in addition thereto shall pay to the State the same fees as are paid by private corporations of like character.

*Passed at Dover, April 23, 1889.*

## OF CITIES AND TOWNS.

## CHAPTER 637.

## OF CERTAIN CORPORATIONS.

AN ACT to amend the charters of certain corporations.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch thereof concurring therein):*

SECTION 1. That the charters of the Wilmington Improvement Company, the Delaware Land Improvement Company, the Wilmington Trust Safe Deposit Insurance Company, and the Enterprise Real Estate Improvement Company, be and they are hereby, each of them amended by striking out all words conferring any power, right or authority, to guarantee against defect, any conveyance of real estate, or any mortgage or other title whatsoever, to real estate.

Wilmington Improvement Company, Wilmington Trust Company and Enterprise Real Estate Co., not to guarantee against defect in conveyance of Real Estate

*Passed at Dover, April 25th, 1889.*

## CHAPTER 638.

## OF CITIES AND TOWNS.

AN ACT to further amend the act entitled "An Act to incorporate the Town of Dover," passed at Dover, February 27, 1879.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring):*

SECTION 1. That Section 2 of the act entitled "An Act to re-incorporate the Town of Dover," passed at Dover, February 27, 1879, be and the same is hereby amended by inserting between the word "him" in line thirty-six of said section and the word "shall" in said line thirty-six of said section,

Section 2 of act to re-incorporating Dover, amended.



## OF CITIES AND TOWNS.

the following words, to wit: "and shall have resided in said town at least thirty days prior to said election."

Section 5  
amended.

When the  
President  
can not act  
the chair-  
man of  
street com-  
mittee to act

SECTION 2. That the said act entitled "An Act to re-incorporate the Town of Dover," passed at Dover, February 27, A. D. 1879, be and the same is hereby further amended by adding to the end of Section 5 thereof the following words, to wit: "If the President of Council shall be incapacitated from acting, by reason of absence, or for any other cause whatsoever, then all the powers and duties conferred and imposed upon him by this section, or conferred or imposed by any ordinance or ordinances adopted by the Town Council, shall be exercised and performed by the person who at the time shall be chairman of the Street Committee."

Two-thirds  
of council  
can remove  
officers.

Badge of  
officer may  
be removed  
by the Pres-  
ident of  
council.

SECTION 3. That the Town Council of the Town of Dover shall have full power and authority, by a vote of two-thirds of all the members composing the said Town Council, to remove at any time any of the officers or employees of said town, elected or appointed by said Town Council, when it shall be deemed expedient and proper so to do. The President of Council shall have full power and authority to demand and remove the badge or insignia of office from any constable or officer elected or appointed by the Town Council of the Town of Dover, for drunkenness or other misconduct, and to suspend such constable or officer from the performance of police duty until the next meeting of the said Town Council thereafter.

*Passed at Dover, February 18, 1889.*

## OF CITIES AND TOWNS.

## CHAPTER 639.

## OF CITIES AND TOWNS.

AN ACT to amend an act entitled A further additional supplement to the act entitled "An Act in relation to the Town of Smyrna," passed at Dover, February 25, 1850.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring):*

SECTION 1. That the said act entitled A further additional supplement to the act entitled "An Act in relation to the Town of Smyrna," be and the same is hereby amended by striking out all of Section 2 of said act after the word "qualified" in the seventh line thereof, and inserting in lieu thereof the following "and annually thereafter there shall be elected commissioners in lieu of those whose terms have expired to serve for the term of three years, and until their successors shall respectively be elected and qualified."

Section 2  
of act  
amended.  
Commis-  
sioners, how  
elected.

*Passed at Dover, Delaware, February 19, 1889.*

## CHAPTER 640.

## OF CITIES AND TOWNS.

A FURTHER SUPPLEMENT to an act entitled An Act to incorporate the town of Leipsic in Kent County.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met two-thirds of each branch of the Legislature concurring therein:*

SEC. 1. That Section one of the act to which this is a supplement, be and the same is hereby amended by striking out the word "April" where it occurs in the second line of said section, and insert the word "March" in lieu thereof; also by

Section 1  
amended.  
Word April  
stricken out  
and March  
inserted.

## OF CITIES AND TOWNS.

striking out the word "three" in the fourth line and insert the word "six" in lieu thereof.

Section 4  
amended.

SEC. 2. Strike out all between the word "the" in the second line and the word "at" in the third line of Section fourth of said act, and insert in lieu thereof "the second Monday of March, June, September and December." Also strike out the word "three" in the fifth line of Section seventh of said act, and insert in lieu thereof the word "one."

Commissioners to be  
elected.

Vacancies  
to be filled.

SEC. 3. That on the first Monday of March next A. D. 1889, there shall be two commissioners elected for one year, two for two years, and two for three years, and on the same day annually thereafter there shall be two commissioners elected for three years. Should any vacancy or vacancies occur in said board from death or otherwise, such vacancy or vacancies shall be filled by the qualified electors at the same time and in the same manner as hereinbefore prescribed to fill out the said unexpired term or terms.

Alderman  
to be President  
of council.

SEC. 4. The Alderman shall be President of the Town Council or Board of Commissioners ex-officio and shall have the casting vote in case there be a tie.

President  
pro tempore

SEC. 5. The Board of Commissioners may elect one of their number President pro tempore, who in the absence of the Alderman shall discharge the duties of that office and if any member or members of the Board of Commissioners absenting himself or themselves from two or more stated meetings, his or their places shall be considered vacant, the Board of Commissioners being the judges who shall declare such vacancy or vacancies.

*Passed at Dover, February 20, 1889.*

## OF CITIES AND TOWNS.

## CHAPTER 64I.

## OF CITIES AND TOWNS.

AN ACT to amend an act entitled "An Act to re-incorporate the Town of Newark."

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch thereof concurring):*

SECTION 1. Strike out all after the word "year" and before the word "thereafter" in the second line of Section 15, and insert in lieu thereof the following: "1889 and annually;" and strike out the word "two" in the sixth line of the same section and insert in lieu thereof the word "one." Also amend said act by striking out all after the word "year" and before the word "thereafter" in the second line of Section 17 and inserting in lieu thereof the following: "1889 and annually;" and by striking out the word "two" in the sixth line of the last mentioned section and inserting in lieu thereof the word "one."

Section 15  
amended.

Section 17  
amended.

SECTION 2. Said act is hereby further amended by striking out all after the word "person" in the fourth line of Section 23 and before the word "may" in the ninth line of said section and inserting in lieu thereof the following: "arrested for violating any one of the provisions of this act or of the ordinances of said town, or of the laws of this State, until a hearing can be duly and speedily had, or satisfactory bail for the appearance of the prisoner can be given to the Alderman or some Justice of the Peace of the county. If any person so arrested shall, after a hearing duly had, be adjudged guilty of the charge by any judgment or sentence of the Alderman or by any Justice of the Peace resident in said town, such person." Also amend said act by striking out the words "disbursed from the town treasury" in the seventh line of Section 24, and inserting in lieu thereof the following "raised by taxation upon the real and personal property and by poll or capitation tax as hereinafter provided; said Treasurer to be allowed no percentage in payment for services, upon any bonded debt authorized for a specific purpose or use." Also amend said act by striking out all between the word "year" and the word "thereafter" in the second line of Section 30,

Persons violating provisions of charter or laws of State, how proceeded against.

Section 24  
amended.

## OF CITIES AND TOWNS.

and inserting in lieu thereof the following "1889 and annually;"

Capitation  
tax.

SECTION 3. Said act is also hereby further amended by striking out all after the word "town" in the third line of Section 31, and before the word "such" in the seventh line of said section, and inserting in lieu thereof the words "and also of;" and by inserting after the word "years" in the fourteenth line of said section and before the word "may" in the same line, the following sentence: "Every male citizen above the age of twenty-one years shall be assessed for a capitation or poll tax in addition to his assessment for his real and personal estate at a capital to be fixed by Council, which however shall not exceed two thousand dollars nor be less than two hundred dollars." Also amend said act by striking out the word "three" in the fourth line of Section 32, and inserting in lieu thereof the word "five;" and by striking out the word "biennially" in the thirty-ninth line of said section and inserting in lieu thereof the word "annually;" and by striking out the word "double" in the forty-fifth line of said section.

Section 33  
amended.

Promissory  
notes of the  
corporation

Not to be  
made for  
more than  
one year.

SECTION 4. And said act is hereby further amended by inserting in the third line of Section 33 between the words "whenever" and "the" the word "in;" and also by striking out all between the words "council" and "issue" in the fifth line of said section and inserting in lieu thereof the following "may secure said sums of money by the promissory notes of the corporation, duly authorized by resolution of the Council at a stated meeting, or it may;" and said act is also amended by striking out all after the word "taxation" in said Section 33, and inserting in lieu thereof the following sentence "any promissory notes given as aforesaid, shall not be made for a longer time than twelve months." And said act is also further amended by striking out the word "thirty" in the twenty-fifth line of Section 34, and inserting in lieu thereof the word "fifty;" and also by inserting between the word "gates" and "for" in the sixth line of Section 42 the word "shall;" and by inserting between the words "aforesaid" and "then" in the seventh line of said Section 42 the words "refuse to construct, erect, repair and operate the same."

*Passed at Dover, February 27, 1889.*

## OF CITIES AND TOWNS.

## CHAPTER 642.

## OF CITIES AND TOWNS.

## AN ACT to re-incorporate the Town of Camden.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch concurring therein):*

That at the election to be held in the Town of Camden on the second Monday in March A. D. 1889, and on the same day yearly from 2 till 4 o'clock, p. m., there shall be chosen by ballot five commissioners to hold for the terms hereinafter specified, three at least of whom shall be freeholders. In voting for such commissioners, two of them shall be elected for three years, two for two years, and one for one year, and at every subsequent election there shall likewise be chosen by ballot eligible persons in said town to serve as commissioners for three years in place of the commissioners whose term of office then expires, and also to fill vacancies for unexpired terms occasioned by death, resignation, or otherwise. There shall at all times be at least three freeholders in the Board of Commissioners. There shall also be elected, at the same time and place, an Assessor, and a Treasurer to serve for one year who shall be resident freeholders in said town. The vote shall be received by the Justice of the Peace in said town in his office, and the result of the balloting shall be ascertained by the said Justice and two citizens of the said town, selected by himself, to assist in holding the election. At said election, every person within the limits of said town, having a right to vote at the general elections in the State, shall have a right to vote. The said Justice who shall be Alderman of said town, and two citizens aforesaid, shall be the judges of said election and decide upon the legality of the votes offered. Immediately after the election is closed, and all subsequent elections under this act, the vote shall be counted. The town clerk, who shall be clerk of the election, shall enter in a book provided for the purpose, a minute of the same, showing the name or names of the person or persons chosen as commissioners, also the names of persons chosen Assessor and Treasurer, and shall subscribe the same, and give to each person so elected written notice thereof. The book containing

Election in March 1889.

Five commissioners to be chosen

Terms of commissioners.

Vacancies.

Three commissioners to be freeholders.

Assessor and treasurer.

Result of election, how determined.

Who entitled to vote.

Justice of Peace to be Alderman.

Town clerk to note in book the names of persons chosen Assessor and Treasurer.

## OF CITIES AND TOWNS.

Book to be evidence. the minutes of such proceedings shall be kept by the town clerk and shall be evidence.

Six hundred dollars may be raised by taxation. SECTION 2. *And be it further enacted,* That the commissioners of the Town of Camden may raise yearly by taxation on persons and property the sum of six hundred dollars as a maximum, exclusive of dog taxes, for the uses of said town, and may yearly pay and apply out of said town funds a sum not exceeding forty dollars yearly towards maintenance of the Camden Fire Department.

Limits of the corporation. SECTION 3. *And be it further enacted,* That all the lands and roads embraced within the territory bounded on the west by the eastern lines and limits of the Town of Wyoming, on the southeast by the northwestern lines and limits of the Town of Camden as surveyed and laid out under and by authority of the act of incorporation, passed at Dover, March 4, 1869, and on the north by the headwaters of the Howell mill pond, be and the same is hereby incorporated within and made a part of the Town of Camden, and all the roads, streets, alleys, and ways so embraced shall be controlled and managed exclusively by the Town Commissioners. The commissioners of the Town of Camden may, at any time hereafter, cause a survey and plot to be made of the said town, and the said plot, when so made and approved by the said commissioners, shall be recorded in the Recorder's Office in and for Kent County, and the same or the record thereof, or a duly certified copy of said record, shall be evidence in all courts of law and equity in this State.

Commissioners may cause plot and survey to be made. Plot to be recorded in Recorder's office at Dover. SECTION 4. *And be it further enacted,* That the commissioners first elected pursuant to the provisions of this act shall be and they are hereby created a body politic and corporate in law, and the said commissioners and their successors shall be able and capable of suing and of being sued, pleading and being impleaded, in all courts of this State, by the corporate name of "The Commissioners of the Town of Camden," and they may have a common seal and the same to alter, amend and renew at pleasure, and may purchase, take, hold and enjoy lands, tenements and hereditaments in fee simple, or for other estate, and also goods, chattels, rights and credits to the extent of five thousand dollars, and may alien, grant, demise, and dispose of the same as they may deem proper, and the said commissioners of the Town of Camden are hereby vested with full power and authority to borrow upon the faith and credit of the town the said sum of five

Commissioners to have a seal.

To hold property to the amount of \$5,000.

May borrow money on credit of the town.

## OF CITIES AND TOWNS.

thousand dollars, to be applied and expended by the said commissioners in the purchase of lands, tenements and hereditaments, goods, rights, chattels and effects which under the provisions of this act they are hereby authorized to hold, possess and enjoy, or for the erection of any building or buildings upon any lands or premises which they now possess or may hereafter possess.

SECTION 5. *And be it further enacted,* That the said commissioners be and the same are hereby authorized and empowered to issue certificates of indebtedness to secure the repayment of the said five thousand dollars, and such certificates of indebtedness shall be made payable with the interest thereon within ten years from the date thereof and at such time or times as the said commissioners by ordinance shall provide, and shall bear interest at the rate of six per centum per annum from the date thereof, the said interest to be made payable semi-annually, and that the said commissioners in making their annual appropriations for the support of the town be and the same are hereby authorized and required to include therein the interest on said certificates of indebtedness, and every portion or installment of said certificates which may be made payable in the fiscal year for which such appropriations are made, beyond the said sum of six hundred dollars.

May issue certificates of indebtedness and secure the payment thereof.  
Certificates when payable.

Interest payable semi-annually.

SECTION 6. *And be it further enacted,* That the said commissioners and their successors in office, or a majority of them, shall have the superintendence and oversight, management and care of all the streets and roads, alleys, lanes, sidewalks and passes now made and constructed, or opened, or hereafter to be made, constructed or opened within the limits of said town, and no overseer of any of the said roads or streets shall be appointed by the Levy Court of Kent County, but the said Levy Court shall annually appropriate a sum of money not less than two hundred dollars, and shall make an order for the payment thereof to the said commissioners, which sum so appropriated shall be expended by said commissioners upon the roads and streets aforesaid; and the said commissioners shall annually account to the Levy Court for the money so appropriated in the same manner as overseers of roads in said county. Any one of said commissioners, or the Assessor, if so required to act, shall be allowed and receive for each day of actual service or superintendence of said roads or streets the sum of one dollar and fifty cents, and for each half day the sum of seventy-five cents; but no compen-

To have the control over streets, &c.

Levy Court not to appoint overseer.

Levy Court to appropriate annually \$200.

Commissioners to account to Levy Court for the money.

Fee for superintendent of streets.



## OF CITIES AND TOWNS.

Proviso. sation shall be allowed for any fractions less than half a day; *Provided*, that such superintendent while rendering such service, shall be allowed and receive one-half the above fees or compensation if there be fewer than five employes or workmen at a time under his care or charge.

Streets, water drains, sidewalks, &c., to be repaired. SECTION 7. *And be it further enacted*, That whenever the Town Commissioners shall find that any ditch or water drain, roads, streets, avenue, or sidewalks in said town limits ought to be repaired or improved, they shall employ some suitable or competent person to superintend and direct in making such repairs and improvements, as shall be particularly described and ordered by said commissioners.

When streets are to be paved, shelled or macadamized. SECTION 8. *And be it further enacted*, That the said commissioners of the Town of Camden, upon the petition of a majority of persons owning property along any of the streets or a portion of any of the streets of said town, asking that such street or a portion of such street between the curb lines thereof be paved with stone, macadamized, or shelled with oyster shells, as the case may be, may direct the said street or such portion of said street as set forth in the petition to be paved with stone, macadamized, or shelled with oyster shells between the curb lines thereof in such manner as they in their judgment may deem best.

Expenses, how borne. SECTION 9. *And be it further enacted*, That the expenses incurred by the paving, macadamizing or shelling of any of the streets of said town or any portion of the said streets between the curb lines thereof, shall be borne in the following manner, to wit: One-third of the expense to be paid by the property owners along the street or portion of the street so paved, macadamized or shelled as aforesaid; the remaining two-thirds to be paid by the Town of Camden.

Property owners to be assessed. Assessment to be a lien on property. Assessment, how collected. SECTION 10. *And be it further enacted*, That the Town Commissioners or a committee appointed by them for that purpose shall assess one-third of the cost of paving, macadamizing or shelling the said street or any portion thereof upon the property owners upon such street or portion thereof so paved, macadamized or shelled as aforesaid, according to the frontage of each owner on said street or portion of said street, and the assessment so made shall be a lien upon the property, and said lien shall be collected as the cost of paving of sidewalks and curbing is now collected by the said Town Commissioners under and by virtue of Section 15 of this act.

## OF CITIES AND TOWNS.

SECTION 11. *And be it further enacted,* That the commissioners for the time being, or a majority of them, shall have the power, upon application of ten or more citizens, taxables as aforesaid, by petition to them in writing for that purpose, to locate, lay out and open any new street or streets, road or roads, within said town limits, allowing to the owner or owners, holder or holders respectively, through, along or over whose grounds such new street or streets, road or roads may run, such compensation therefor as they, or a majority of them, may deem just and proper under the circumstances; which compensation, if any allowed, shall be paid out of any money belonging to said town by the Treasurer on order drawn on him by the commissioners. And the said commissioners, in making allowances as aforesaid, shall take into consideration all circumstances of benefit or injury, public or private, consequent to the making and opening such street or road.

Location  
and laying  
out new  
streets.

Damages.

SECTION 12. *And be it further enacted,* That whenever the commissioners shall have proceeded to locate and lay out any new street or road and shall have fixed the compensation therefor, it shall be their duty, immediately after the survey and location of the same, to notify, in writing, the owner or owners, proprietor or proprietors of the real estate through, along or over which such new street or road may run, of their determination to open the same, and to furnish a general description thereof, and also the amount of such damages or compensation, if any, allowed to each, and if such owner be not resident within said town, then to notify the holder or tenant of said real estate affected as aforesaid. If any owner be dissatisfied with the determination to lay out and open such new street or road, or with the amount of the compensation or damages allowed, he, she, or they may, within ten days after receiving notice from the commissioners as aforesaid, appeal from said determination or assessment of damages, or both, by serving written notice to that effect on the said commissioners or some one of them. In order to prosecute said appeal such owner or owners shall, within ten days after the expiration of the ten days allowed for appeals, apply to the Alderman in said town, who shall, within five days thereafter and upon notice to the said commissioners or some one of them, select and write down on a list the names of eleven judicious and impartial freeholders, six of whom shall be freeholders within the limits and the remaining five shall be freeholders without the limits of said town. The commis-

Where any  
street is  
located  
owner to be  
notified.

What no-  
tice must  
contain.

Owner may  
appeal in  
ten days.

Board of  
review, how  
appointed.

## OF CITIES AND TOWNS.

Notice of  
time and  
place of  
meeting.

Names of  
commis-  
sioners to be  
stricken  
out.

Board of  
review, how  
constituted.

Their ac-  
tion final.

Award to  
be made in  
twenty days

Penalty for  
refusing  
to serve.

sioners or some one of them shall, upon receiving such notice from the Alderman, immediately notify all persons owning or holding real estate on the said street or road, and residing in said town, and appellants as aforesaid, of the time and place when and where the said names will be selected, and at the time and place mentioned in the notice of the said Alderman, the said appellants, or as many of them as choose, and the said commissioners shall attend. The appellants, their agent or attorney, shall first strike out one of the said names, and the commissioners or any one of them, their agent or attorney, shall strike out another, and so on until each shall have struck three from said list; such striking shall be so confined and regulated as to leave the five remaining freeholders located as follows, viz.: three resident in said town and two residing out of said town, who shall constitute the freeholders to determine concerning the necessity of said street or road, and who shall assess the damages of the owners or holders of the real estate through, along or over whose grounds the said street or road shall run; and their doings shall be final when certified to the said Alderman or commissioners, or both, which certificate shall be preserved and copied upon the book or books of the said town containing other and like proceedings, and the same shall be evidence. In case either side, commissioners or appellants, be not represented before the Alderman, or shall neglect or refuse to strike as herein provided, the said Alderman, or such person or persons as he may name and appoint for that purpose, shall strike for the party or parties so absent, neglecting or refusing, observing that such striking shall be confined and regulated as hereinbefore provided. Any party appellant or commissioner may, within ten days after the appointment of said freeholders and upon due notice to the other parties resident in said town, or in case of non-residents, notice to the holders or tenants of any real estate, call out the said freeholders who shall thereupon proceed, upon oath or affirmation, to make due inquiry concerning the necessity of such street or road, and in case they deem such street or road to be needful, then they shall assess the damages to the several owners affected thereby. Their award shall be made within twenty days from the time of notifying them to meet. If any freeholder thus appointed and notified shall neglect or refuse to serve, he shall forfeit and pay the sum of five dollars, to be recovered with costs in an action of debt before any Justice of the Peace of Kent County, in the name of the town commissioners, for the use of the said town. If the award of the freeholders shall be

## OF CITIES AND TOWNS.

against the necessity of any such new street or road, then no petition for any such new street or road so condemned or disallowed shall be entertained by the commissioners during one year from the time of such condemnation or disallowance. The act of a majority of the said freeholders shall be as good and effectual as the act of the whole of them in making such award or assessment of damages.

SECTION 13. *And be it further enacted,* That if on any such appeal the award shall be against the necessity of a street or road, or the freeholders shall increase the damages of any appellant, then the costs of the appeal shall be borne by the town. But if the freeholders shall affirm the necessity of the street or road and shall not increase the damages of any appellant then the costs shall be paid by the appellants equally. The fees of the freeholders shall be one dollar each for each day they may be called or required under this act.

Cost of appeal.  
Fees of freeholders.

SECTION 14. *And be it further enacted,* That the damages which may be assessed upon occasion of opening any new street or road shall be paid out of the town funds, or duly tendered, before the property of any person or persons in whose favor the damages are assessed shall be appropriated for the opening of any such street or road, and in case any such owner or owners shall be a minor, non-resident, or shall neglect, refuse or be incapable for any cause of receiving the same, then such damages may be deposited in any bank of Kent County to the credit of such person or persons, and be subject to his, her, or their order, and such deposits shall in all cases operate as payment.

Damages, how paid.

SECTION 15. *And be it further enacted,* That the commissioners, or a majority of them, shall and they are hereby authorized and directed to require the owner or owners, proprietor or proprietors of any house or land within said town, before or in front of which they may deem proper that a pavement should be made, or ornamental or shade trees be planted, to make and lay such pavement of bricks or smooth stones of such width, and to plant and protect such shade trees as they may specify in such order or directions, and if such owner or owners, proprietor or proprietors shall neglect or refuse, for the space of sixty days after being directed as aforesaid, to lay such pavements and plant out such trees with good and sufficient curb or curbs, it shall and may be lawful for the said commissioners, and they, or a majority of them,

Pavements, shade and ornamental trees.

## OF CITIES AND TOWNS.

are authorized and directed to make or cause to be made such pavement or curbs, or both, or to plant out such shade trees, and to recover the costs of making and doing the same by the distress and sale of any of the goods and chattels, lands and tenements belonging to such owner or owners, proprietor or proprietors, within the limits aforesaid. If any pavements, sidewalks, ornamental or shade trees, or curbs, already made and planted, shall at any time by the said commissioners, or a majority of them, be deemed insufficient, they, or a majority of them, shall have the power, and they are hereby required to direct, in writing, the owner or owners, proprietor or proprietors thereof, to make good and sufficient the same, and upon neglect or refusal so to do for sixty days, the said commissioners, or a majority of them, shall cause the same to be done, and they shall recover the costs and expenses incurred therefor in the same manner as above provided in cases of new pavements, curbs, &c. They shall also have power and authority to cause the sidewalks to be cleaned of snow for at least a space of four feet within three working hours after said snow shall cease to fall, and upon the neglect of any owner or owners, tenant or tenants to so remove the same in the time specified the said commissioners are hereby authorized to remove the same and collect from said owner or owners, tenant or tenants the cost incurred by them in the removal of the same, together with a fine not to exceed one dollar, by a warrant of distress issued by the Alderman of the town, in the name of said commissioners of said Town of Camden, who is hereby authorized to issue the same upon complaint made by any of such commissioners.

SECTION 16. *And be it further enacted*, That the Alderman shall, at every stated meeting of the commissioners, report to the said commissioners all fines and penalties imposed by him during the preceding month, and pay to the Treasurer of the Town of Camden all such fines and penalties received by him during said time, and in default of making such report or paying such fines and penalties for a period of twenty days after such report should be made, and such fines and penalties should be paid as aforesaid, he shall be deemed guilty of a misdemeanor, and upon conviction thereof by indictment shall be fined not less than twenty nor more than one hundred dollars.

SECTION 17. *And be it further enacted*, That the commissioners for the time being, or a majority of them, shall have the power, upon the application of five or more citizens of

## OF CITIES AND TOWNS.

said town, taxables as aforesaid, by petition to them for that purpose, to lay out, cut and open any ditch, drain, or water-course within the limits aforesaid, petitioned for as aforesaid, allowing to the persons respectively through whose lands the same may run such compensation therefor as they shall deem just and reasonable, or otherwise assess to such owners and holders of such real estate rateably the costs, or a part thereof, of making and opening such ditch or drain, if benefits or enhanced value shall be the result thereof to their lands.

Ditches,  
drains or  
water-  
courses.

SECTION 18. *And be it further enacted,* The said commissioners shall have power to enact ordinances to prevent nuisances, to preserve the health of the town, and to prevent the introduction of infectious or contagious diseases, for which purpose their jurisdiction shall extend to any distance within one mile of the limits of said town. The commissioners may also pass ordinances to define and remove nuisances, to ascertain and fix the boundaries of streets, squares, lanes and alleys, or to repair and improve the same, or to alter, extend, or widen any street, square, lane or alley, or open or lay out new ones, subject to the provisions in that behalf hereinbefore contained, to regulate and fix the ascents and descents of all streets, lanes, and alleys, and the drainage thereof, to direct the paving or graveling of footways, and to prescribe the width thereof, to regulate and provide for the making of gutters, and the placing of gutter stones or plates therein, and for curbing wherever, in their opinion, such paving or graveling, making of gutters, and the placing of gutter stones or plates therein, and curbs, may be necessary or proper; to prescribe the extent of steps, porches, cellar doors, and other inlets to lots and buildings; to regulate the construction and repair of chimneys, and to provide for keeping the same cleaned and in good order; to regulate the storage of gunpowder or any other dangerous or combustible materials, and to provide against casualties by fire. No person shall be obliged to pave any footway to a greater breadth than four feet in front of any vacant lot or lots not near or adjoining a dwelling house, and no grading, curbing or widening of sidewalks shall, after the same has been once established be directed to be altered or changed for a period of ten years, except upon the petition of a majority of the property owners holding land on such street or part of street where such alteration or change is proposed to be made, and upon such petition, the commissioners shall have the option

Ordinances  
to prevent  
nuisances,  
&c.

Boundaries  
of streets.

To regulate  
width of  
streets, &c.

Steps,  
porches,  
cellar  
doors, &c.

Storage of  
gunpowder.

Payment  
in front of  
vacant lots.

## OF CITIES AND TOWNS.

to make such change or alteration, or not. The said commissioners shall have power also, by ordinance, to appoint a town surveyor to make a plot or map, showing the ascent and descent of all streets, lanes and alleys, the building lines upon the same, and generally to do and perform all such matters and things as they may deem necessary for carrying into effect the provisions in this section contained.

Town surveyor may be appointed to make map of streets, &c

Laying out of drains.

Cost of making the same.

Return to be made to the Alderman with plot.

Surveyor to be sworn or affirmed.

Time to appeal.

Plot and assessments to be recorded.

SECTION 19. *And be it further enacted*, That the said commissioners, petitioned as provided in Section 17 of this act, shall proceed to view the premises, and shall determine concerning the same; and if they, or a majority of them, shall determine that any ponds of water, pools, marshy, or swampy, or otherwise low and wet grounds are in any way deleterious to the health of any citizens, or that the same in any manner is unsightly, or should be drained or improved, then and in that case it shall and may be lawful for the said commissioners to notify the owner or owners of the real estate through or along which a ditch, drain or water-course should run, of their determination to open the same, whereupon they shall, with the assistance of a surveyor, if necessary, mark out the route and specify the courses and distances and width of every ditch, drain, or water-course they shall lay out, the estimation\* cost of making the same, the damages, if any, and to whom payable and by whom paid, and the proportion which each person benefitted shall pay, or, injured, shall receive by or in consequence of the same. They shall make return in writing to the Alderman, accompanied with a plot delineating the same, setting down the several items of costs in the proceedings, as also the names of the persons whose lands are affected thereby and their damages and awards. The surveyor shall be sworn or affirmed to the faithful and impartial discharge of his duty. The right time and mode of appeal under this section shall be the same as provided under Sections 12 and 13 of this act, and application\* to the laying out and opening of new streets or roads. The plot and assessments made pursuant to any proceedings under this section, shall be duly recorded in a book or books, as mentioned under Section 12 of this act, and the said commissioners shall subscribe their names to said return.

SECTION 20. *And be it further enacted*, That it shall be the duty of the Commissioners of the Town of Camden, and of any Justice of the Peace and Constable residing in said town, to suppress all riotous, turbulent, disorderly or noisy

Duty of the Commissioners, Justice of the Peace and

\*So enrolled.

## OF CITIES AND TOWNS.

assemblages or gatherings of persons in the streets, lanes, or alleys of the said town after night, or at any other time, place or season whatever; and for this purpose it shall be the duty of the said Constable, upon the requisition of any one of said commissioners, and without any further warrant, forthwith to seize and arrest any such person or persons so offending and arraign him, her, or them before the Alderman or any Justice of the Peace residing in said town, and upon conviction before the said Alderman or Justice, (whose duty it shall be to hear and determine the case), shall be sentenced to pay a fine not exceeding five dollars, and costs, and such person or persons shall be deprived of holding any office of trust or profit, or of voting at any election mentioned or provided for in this act until such fine and costs be fully paid. It shall be the duty of said Alderman or Justice of the Peace, upon complaint made before him of any such riotous, turbulent or noisy assemblages or gatherings as aforesaid, to issue his warrant to the Constable, commanding him to arraign such offending person before him for trial. Upon every conviction under this section, the Alderman or the Justice and the Constable shall each be entitled to a fee of one dollar, to be paid by the person convicted, and such person shall not be allowed to vote at any election held in virtue of this act till such fine and costs be fully paid, or otherwise, in the discretion of said Alderman or Justice, may be committed to the common jail of Kent County for a time not longer than five days.

Constable  
residing in  
Camden.May arrest  
without  
warrant.Fine and  
penalty.Duty of  
Justice  
upon com-  
plaint.Fee of offi-  
cers.In default  
of payment  
to be com-  
mitted to  
jail.

SECTION 21. *And be it further enacted,* That it shall be the duty of the Alderman or any Justice of the Peace, Constable, or police officer in said town to suppress, extinguish or prevent any and all bon-fires, and to suppress and prevent the firing of guns, pistols, or letting off any fire-works, or the pitching, tossing or throwing of any fire-balls, fire-crackers, or other display or demonstration of the same, or either or any of them, within the limits of said town; also to suppress and prevent the tossing, pitching, throwing or knocking of balls, bats, clubs or other missiles of any kind or description, at any time or place within said limits; *Provided, however,* the Commissioners, Alderman, Assessor and Treasurer may license such demonstration or display of fire-works, and such tossing, or throwing, or knocking, or batting of balls, on application to them, in writing, for that purpose, specifying the time when and place where such demonstrations, displays, and sports may be had and performed. The prohibitions and restrictions under this section are not intended to affect the

Bonfires,  
pistols and  
guns, &c.

Proviso.



## OF CITIES AND TOWNS.

practice of burning stalks, brush or litter designed to clear up and prepare for the cultivation of lots and gardens in said limits. Any person violating any of the provisions under this section enumerated shall, on conviction before the Alderman, or any Justice of the Peace in said town, forfeit and pay a fine not exceeding five dollars, to be imposed by the said Alderman or Justice, and shall pay the costs, which shall be the same as in Section 20 of this act, and in default of payment shall be committed to the town jail, if any, if none, to the common jail of Kent County, not longer than five days.

Penalty for  
violating  
this section.

SECTION 22. *And be it further enacted*, That if the said Alderman, or any Justice of the Peace or Constable in said town shall neglect or refuse, after acceptance of the care, charge or trust, to do and perform any duty enjoined on him or them by this act, faithfully and diligently, he or they shall be deemed guilty of a misdemeanor in office, whereupon it shall be the duty of the Commissioners, or any of them, the Assessor, or Treasurer, to present him or them to the grand jury, and, upon conviction, he or they shall, in addition to the punishments which may be imposed by the court, forfeit his office and pay a fine of twenty dollars to the town treasurer for the use of the town. Such fine may be collected before any Justice of the Peace in Kent County as debts of like amount are by law collectible, with costs.

Penalty for  
officers, ne-  
glect of duty

SECTION 23. *And be it further enacted*, That the commissioners shall have full power and authority to make such regulations and ordinances relative to the travelling over and upon said streets and to the use thereof, also relative to the standing and placing of carts, carriages, wagons and other vehicles, or other obstructions, in and upon said streets, lanes, alleys and sidewalks, also as to the running about or otherwise straying or ranging around of any horse, cow, hog or other brute animal in said streets, roads, alleys, lanes and passes in said town, which they, are a majority of them, may deem proper to prevent, in order to secure a free and unobstructed enjoyment and use of the same. And if any person shall violate any of the regulations or ordinances in that behalf, he, she or they shall forfeit and pay to the town treasurer, for the use of the said town, the sum of one dollar, and in default of payment shall be recovered with costs as hereinbefore provided for debts of like amount. The fees under this Section, or under any regulation or ordinance established by reason of the authority hereby given, shall be the same as Section 20 of this act.

Regulations  
and ordi-  
nances re-  
lating to  
traveling on  
streets, &c.

Penalty for  
violating  
ordinance.

## OF CITIES AND TOWNS.

SECTION 24. *And be it further enacted,* That the commissioners be and they are hereby authorized and required to cause any and all nuisances and obstructions that may exist and be at any time and place within said limits to be removed, suppressed or abated. The said commissioners shall have power to define and pronounce what does and what does not constitute a nuisance or obstruction under this act. The said commissioners, or a majority of them, may proceed, either upon their own view or upon complaint of any citizen taxable, stating the character of such nuisance or obstruction and where the same exists. If they, or a majority of them, upon such proceedings, shall determine that an obstruction or nuisance exists and ought to be removed, suppressed or abated, they shall give notice, in writing, to the person or persons causing or suffering the same, or who is responsible for its continuance or existence, to remove, suppress or abate the same; and if such notice or instructions be not obeyed and complied with within the time named, then the said commissioners shall proceed to remove or abate such obstruction or nuisance without further delay, and may recover from the person or persons so neglecting or refusing double the charge or costs of such removal, and may proceed before the said Alderman or any Justice in the said town for such sum or double charge and recover the same with costs of suit. The fees to the Justice, or Alderman, and Constable shall be the same as in Section 20 of this act.

Nuisances,  
&c., to be  
removed.

Notice in  
writing to  
be given to  
abate nuisance.

Penalty for  
neglect or  
refusal.

SECTION 25. *And be it further enacted,* That the said commissioners, by and with the advice and consent of a majority of the voters of said town, shall have authority to build, construct and maintain a suitable place as a prison or jail for the use of said town; and the said Alderman, or any Justice of the Peace, acting under any provision of this act, or carrying into execution any judgment or sentence pronounced under its authority, or the authority of any ordinance or regulation adopted by virtue of the power hereby conferred, may commit to the said prison or jail for any time not exceeding five days, and for want of such prison or jail to the common jail of Kent County.

Commissioners may  
act with  
consent of  
voters a  
prison.

SECTION 26. *And be it further enacted,* That the commissioners, or a majority of them, shall have the authority to direct the use and employment of the money, or any part thereof, in the treasury of said town for the general improvement, benefit and ornament of the same, as they deem most advisable; *Provided,* nothing herein contained shall be con-

Money may  
be used for  
the benefit  
of town.

Provided.

## OF CITIES AND TOWNS.

strued to warrant the application of said money, or any part thereof, solely to private uses and without benefit to said town in general.

Assessment,  
when to be  
made.

List to be  
hung up.

Appeals.

Decision of  
commis-  
sioners to be  
final.

Taxes shall  
be levied.

SECTION 27. *And be it further enacted,* That the Assessor of the said town, being first qualified, shall annually, during the month of March, make a just, true and impartial valuation and assessment of all the real estate within said town; also an assessment of all male citizens residents of said town above the age of twenty-one years, as well those owning as those not owning real estate in said limits; and the said assessment shall immediately after its completion be delivered to the commissioners for the time being for their inspection. The said commissioners shall, between the first and fifth days of April in each year, cause a full and complete transcript of said list of assessment to be hung in some suitable and convenient place in said town, there to be and remain for at least five days for public inspection; and the said commissioners, or a majority of them, shall, on the first Monday next after the expiration of said five days, sit together, at some suitable and convenient place as a Court of Appeals, which shall continue open from two till five o'clock P. M. of said day, when they shall hear and determine appeals from said assessment. There shall be posted in at least five of the most conspicuous places in said town written notices of the hanging up of said list and of the time and place of hearing appeals. The decision of the commissioners on appeals shall be final. They may but shall not be required to hear and determine any appeals after the hour of five o'clock aforesaid. After the valuation and assessment shall have been examined and adjusted by the said commissioners, all the taxes shall be levied, assessed and raised on the real estate and personal thus valued and assessed in just and equal proportions and rates.

Amount to  
be raised  
exclusive of  
interest.

Treasurer  
to be fur-  
nished a list  
of the tax-  
ables.

SECTION 28. *And be it further enacted,* That the commissioners, after ascertaining and judging the sum of money (not more than six hundred dollars) necessary to be raised by taxation on the persons and property in said town for the purposes thereof in any one year, in addition to the amount necessary to pay interest on indebtedness as provided in Section 5 of this act, and having apportioned the same on the assessment and valuation aforesaid shall yearly, in the month of April, furnish the Treasurer of said town with a list containing the names of the taxables, as well the owners of real estate as those not owning real estate, and opposite the names of each the amount of his real estate and his personal assess-

## OF CITIES AND TOWNS.

ment, distinguishing between them, and also the tax levied on each person, also the tax levied on the whole valuation and assessment and the rate per hundred dollars. The said list shall be signed by the commissioners, or a majority of them. The Treasurer, immediately after receiving the list, shall proceed to collect the taxes mentioned therein, and shall have all the powers as are by law conferred upon collectors of the county taxes. The Treasurer shall receive, have and hold all the moneys due or belonging to said town, and shall pay all orders drawn upon him by the commissioners, which orders shall always state to whom payable and for what object or purpose, showing such order to have been drawn for the use and benefit of the town. The Treasurer shall deliver and pay over to his successor in office, when duly qualified, all moneys, books, papers and effects under his charge and care and belonging to said town. Before entering upon the duties of his office he shall give bond, with sufficient security, in a penal sum in the discretion of the commissioners, not less than six hundred dollars, conditioned for the faithful performance of the trusts reposed and duties imposed upon him by this act. He may be required to settle his accounts and submit the same and his books and papers to the inspection and examination of the commissioners at any time. The Treasurer, also the Assessor, shall each receive a reasonable compensation for their services, to be allowed by the commissioners.

List to be signed by the commissioners.

Power of Treasurer to collect taxes.

All moneys in hand of Treasurer to be paid to his successor.

Compensation of Treasurer and Assessor

SECTION 29. *And be it further enacted,* That if a vacancy or vacancies shall at any time happen among the Commissioners, Assessor, or Treasurer, by death, resignation, or otherwise, the survivors of them and the Alderman shall compose a board, with full power and authority to supply such vacancy or vacancies by appointment of suitable person or persons, freeholders in said town, who shall, when qualified, act until the next election and successors be duly elected and qualified. The said board (Alderman, Commissioners, Assessor, and Treasurer) shall have full power and authority to excuse, on application to them in writing, any member thereof (except the Alderman) from office, or may expel a member (except the Alderman) for sufficient cause, and supply, as aforesaid, until the next election, with suitable freeholders, residents of said town. To expel a member shall require the votes of four of said members. If any Commissioner, Assessor, or Treasurer, after having become qualified as such, shall neglect and refuse to perform the duties of such Commissioner, Assessor, or Treasurer, and wilfully absents

Vacancies, how filled.

Power of board.

## OF CITIES AND TOWNS.

Penalty for neglect of duty of any officer. for himself without the consent of said board first had and obtained, he shall forfeit and pay, for the use of the said town, the sum of ten dollars, and the same shall be recovered before any Justice in said town, with costs. The fee to the Justice and Constable under this section shall be the same as under Section 20 of this act. Any Commissioner, Assessor, or Treasurer, failing, neglecting or refusing to become qualified for the duties of his office on or before the day of the annual meeting (third Monday in March) shall be passed by and his election declared void, and the said board shall appoint a suitable freeholder in said town, who will serve and become qualified. The doings and acts of said board, under this section, shall, as to removals from office, resignations and supplying vacancies, be entered upon the book provided for such proceedings.

Dogs to be assessed.

SECTION 30. *And be it further enacted*, That it shall be the duty of the said commissioners to direct the Assessor, in making out his assessment general, to include in a separate column therein all dogs kept or owned in said town, and the owner or keeper of any dog or dogs so included shall pay a yearly tax of fifty cents for one dog, and an additional tax of one dollar for each and every dog more than one; and the owner or keeper of any slut or bitch in said town shall pay a yearly tax of three dollars, and for every slut or bitch more than one shall pay an additional yearly tax of five dollars.

Annual meeting of Commissioners, Assessor and Treasurer.

Purpose of said meeting.

SECTION 31. *And be it further enacted*, That there shall be an annual meeting of the Commissioners, Assessor and Treasurer (at which said meeting all taxables may attend), held at some suitable and convenient place in said town, for the purpose of settlement of the accounts of the past year, and the payment and delivering over all moneys, books, and papers, or other property or effects belonging to said town to those last elected when duly qualified. There shall be at said annual meeting submitted a true and just report of the doings of the past year, setting forth the amount of money received from all sources, the names and amounts of delinquents, if any; also the expenditures, and how, for what purpose, and to whom made, as also the unexpended balance, if any, and how much, likewise the amount that may be owing, to whom, and for what purpose; and said report shall, before being read to said meeting, be examined by three impartial freeholders of said town, selected by the said Alderman or Justice. The said meeting may adopt or reject said report for cause shown. In addition to said annual meeting

Report of board may be rejected.

## OF CITIES AND TOWNS.

there shall be three quarterly meetings of the commissioners, Assessor and Treasurer, on the third Monday in June, September and December, in each year, at either of which, or at the said annual meetings, the said commissioners shall make and establish such ordinances and by-laws as they may deem necessary to secure the further good government and regulation of said town, not however inconsistent with this act. If it should at any time happen that the Alderman neglect or refuse to preside at any of said annual or quarterly meetings, the said commissioners present shall appoint a suitable freeholder in said town, who shall serve as chairman *pro tem*, and they shall appoint the Assessor or any suitable person in said town as Clerk or Secretary at said meetings. Such appointment of Chairman shall be entered upon the book for the recording certificates of elections. Quarterly meetings.

SECTION 32. *And be it further enacted*, That the said Treasurer, on receiving the said list of tax, adjusted and corrected as hereinbefore provided, shall proceed to collect from the persons therein named the several sums of which they respectively stand assessed, and all sums so assessed and remaining unpaid after the first day of July in any year shall be collected with ten per centum additional. The commissioners may allow such delinquents as they, or a majority of them may think proper.

SECTION 33. *And be it further enacted*, That the Alderman, at the request of the commissioners, shall appoint a Special Constable to execute any of the duties required to be performed by the Town Constable. He shall act in the discharge of such duties under a penalty of five dollars. The Constable resident in said town shall be the Town Constable, who with the Special Constable and such persons (not exceeding six in number), as may be named and appointed at any of the annual or quarterly meetings by the commissioners, shall constitute the police force of said town. Special constable may be appointed.

SECTION 34. *And be it further enacted*, That the present commissioners shall remain in office until the first election provided for under this act, and they, or a majority of them, shall attend the first annual meeting, to be held on the third Monday in March, 1889, and surrender up the books, papers, moneys and effects belonging to the Town of Camden, to the commissioners first elected under this act.

SECTION 35. *And be it further enacted*, That the act en-

## OF CITIES AND TOWNS.

Act of  
March 9,  
1887, to in-  
corporate  
the town  
repealed.

titled "An Act to incorporate the Town of Camden," passed at Dover, March 4, 1869, and the act supplementary thereto, passed at Dover, March 9, 1887, be and the same are hereby repealed.

Public act.

SECTION 36. *And be it further enacted*, That this act shall be deemed and taken to be a public act, and shall be printed among the laws of this State.

*Passed at Dover, March 6, 1889.*

## CHAPTER 643.

## OF CITIES AND TOWNS.

AN ACT supplementary to the act entitled "An Act to authorize the Town of Middletown to borrow money and erect water works."

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch thereof concurring therein):*

Commis-  
sioners of  
Middle-  
town to  
borrow  
money to  
pay water  
debt.

SECTION 1. That the "Town Commissioners of the Town of Middletown," shall have power and authority under and by virtue of an ordinance to be passed by said commissioners, to borrow on the faith and credit of said town, the sum of one thousand dollars; which shall be applied to the payment of a debt incurred in the erection of water works, and not to any other purpose; and to issue a bond therefor under the provisions of the said recited act, payable in not more than four years from date.

*Passed at Dover, March 19, 1889.*

## OF CITIES AND TOWNS.

## CHAPTER 644.

## OF CITIES AND TOWNS.

AN ACT to amend the act entitled "An Act to incorporate the Town of Clayton," passed at Dover, April 15, 1887.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring therein), as follows:*

SECTION I. That Section 8 of the act entitled "An Act to incorporate the Town of Clayton," passed at Dover, April 15, 1887, be and the same is hereby amended in manner following, viz.: Strike out in the third and fourth lines of said section the words "such sum as said Levy Court shall deem just and reasonable," and substitute for the said words so stricken out, the following "one hundred and twenty-five dollars." Section 8 amended.  
  
Levy Court to appropriate \$125 for streets.

*Passed at Dover, April 2, 1889.*

## CHAPTER 645.

## OF CITIES AND TOWNS.

AN ACT supplementary to the act entitled "An Act to incorporate the City of New Castle."

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring therein), as follows:*

SECTION I. That all taxes for city and school purposes which may hereafter be lawfully assessed on real estate in the City of New Castle shall constitute and be the first lien thereon from their said assessment until the expiration of two Taxes assessed for school purposes to be first on property assessed.



## OF CITIES AND TOWNS.

Proceeds  
in case  
of sale.

Proviso.

Further  
proviso.

years from the first day of July of the year in which said tax shall have been assessed, and may with all incidental costs and expenses, be levied by sale thereof as is provided in the act of incorporation of said city. The said lien shall be prior to the lien of any recognizance, debt, mortgage, judgment, decree, obligation or responsibility, which the said real estate may become charged with, or is liable to. But in case of the sale under execution process, of any real estate upon which said tax liens shall exist, such lien shall be transferred to the fund arising from such sale in the hands of the officer making the same, and the real estate so sold shall be discharged therefrom; *Provided*, that if such fund shall not be sufficient to pay and discharge said tax lien, by reason of the said real estate having been sold subject to another or other lien or liens created by the said taxable, or any other person, then the unpaid balance of said tax shall remain and be a lien upon the land so sold; *And provided*, that a lien for taxes hereby prescribed, shall remain a lien for the period of two years, as aforesaid, from the first day of July of the year in which said tax shall have been assessed, and no longer.

*Passed at Dover, April 2, 1889.*

## CHAPTER 646.

## OF CITIES AND TOWNS.

**A SUPPLEMENT** to the act entitled "An Act to incorporate the Town of Clayton," passed at Dover, April 15th, 1887.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring), as follows:*

Commis-  
sioners  
upon peti-  
tion to lay  
out streets  
and to  
widen old  
streets, &c.

**SECTION 1.** The Town Commissioners of the Town of Clayton shall have power, upon the written applications or petition of fifteen or more resident freeholders of the town, to locate, lay out, establish and open any new street or streets, lane or lanes, alley or alleys, or to widen any street or streets,

## OF CITIES AND TOWNS.

lane or lanes, alley or alleys, heretofore established and opened or hereafter to be established and opened, or to vacate and close the same, or to re-open any said street or streets, lane or lanes, alley or alleys now closed, or which may hereafter be closed, allowing to the owner or owners of all the lands respectively through or over or in front of which such street or streets, lane or lanes, alley or alleys, may pass, such compensation for land taken as damages incurred by reason of such opening, widening, or re-opening, or vacating and closing, as the said Town Commissioners shall deem just and reasonable, taking into consideration its circumstances of benefit as well as of injury which will accrue to each owner, which compensation shall be paid by the town treasurer out of any moneys of the town in his possession, upon warrants prepared and signed as required in other cases by the said act incorporating the said Town of Clayton.

Damages.

SECTION 2. Whenever the said Town Commissioners shall have determined to locate, lay out, establish and open, or to widen and re-open, or vacate and close any street, lane or alley in the said Town of Clayton, and shall have fixed the compensation therefor, as aforesaid, it shall be their duty within ten days after the date of such determination and fixing of compensation, to notify in writing the owner or owners of all the lands through, or over or in part of which such street, lane or alley may run, of their determination to open or widen, or re-open or vacate the same, as the case may be, setting forth in said notice a general description of the location of such street, lane or alley, the changes contemplated and the amount of compensation or damages allowed to each owner. If any owner or owners of such land be not resident within the said town, or be absent therefrom at the time, such notice shall be served upon the tenant or occupier of such land, and if there be no tenant or occupier the notice may be served by being affixed to some part of such land or premises.

Compensation to owner.

Owner of land to be notified.

In absence of owner tenant to be notified.

SECTION 3. If any owner or owners of such lands be dissatisfied with the amount of compensation or damages allowed by the said Town Commissioners as aforesaid, he or she may within ten days after the service of the notice mentioned and prescribed in Section 2 of this act, take an appeal from the decision or determination of the said Town Commissioners, fixing the amount of compensation or damages as aforesaid, by serving upon the chairman of the Board of Town Commissioners written notice of intention to appeal; and in order

Appeal from award of compensation.

## OF CITIES AND TOWNS.

Judge of  
Superior  
Court to  
appoint  
commission  
to review  
upon do-  
mand.

to prosecute said appeal such owner or owners shall within ten days after the service of said notice of appeal, and upon five days written notice to the said chairman of the Board of Town Commissioners, make written application to any Judge of the Superior Court of the State of Delaware, in chambers, for the appointment of a commission to hear and determine the matter in controversy. And thereupon the Judge, to whom said application is made, shall issue a commission under his hand, directed to five freeholders of Kent County, three of whom shall be residents of said Town of Clayton and two of whom shall be non-residents of said town, commanding them to assess the damages which the person appealing, as aforesaid, may sustain by reason of the said opening, re-opening, widening or vacating of street, lane or alley, determined upon by the said Town Commissioners as aforesaid. The freeholders named in such commission being first sworn or affirmed as in said commission shall be directed, shall view the premises, and they or a majority of them shall assess the damages as aforesaid, considering the circumstances of benefit as well as of injury which will accrue to the person appealing and shall make return, in writing, of their proceedings in the premises to the Judge issuing said commission, who shall deliver said return to said Town Commissioners, which shall be final and conclusive.

Commis-  
sioners to  
be sworn.

Damages  
awarded.

Return to  
be made  
to judge.

Vacancies.

Payment of  
damages.

The said Judge shall have power to fill any vacancy or vacancies in the commission. The amount of compensation or damages being so ascertained the Town Commissioners may pay or tender the same to the person or persons entitled thereto, within thirty days after the same shall be finally ascertained, or if the person or persons so entitled reside out of, or be absent from the town, or be under the age of twenty-one years during the said period of thirty days then the same may be deposited to his or her credit in the "Fruit Growers National Bank," at Smyrna, within said time, and thereupon the said street, lane or alley may be opened or re-opened, widened or vacated, as the case may be, and the said property taken for the uses aforesaid.

Costs of  
appeal by  
whom paid.

In the ascertainment and assessment of damages by the freeholders appointed by the Judge, in chambers, as aforesaid, if the damages assessed be greater than the compensation or damages fixed by the Town Commissioners, as aforesaid, the costs of the appeal shall be paid by the town treasurer out of any moneys in his hands belonging to the town, but if the

## OF CITIES AND TOWNS.

damages be the same or less, the costs of the appeal shall be paid by the party appealing.

The fees of the freeholders shall be two dollars per day to each, which shall be taxed as part of the costs.

Fees of  
commissioners.

After the damages shall be fixed and ascertained by the freeholders, as aforesaid, the Town Commissioners may at their option elect to pay the damages assessed within the time hereinbefore prescribed or provided, and proceed with the said improvements, or upon the payment of costs only, may abandon the changes and improvements proposed.

Commissioners may  
abandon  
opening of  
streets.

SECTION 4. That the Town Commissioners of the said Town of Clayton shall have full power and authority to exempt from town taxation any manufacturing plant now or hereafter established within the limits of said town for any term not exceeding ten years.

Commissioners of  
Clayton  
may exempt  
manufacturers  
from tax.

*Passed at Dover, April 4, 1889.*

## CHAPTER 647.

## OF CITIES AND TOWNS.

AN ACT to amend Chapter 563, Volume 17, Laws of Delaware, passed at Dover, February 19, 1885.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch concurring therein):*

SECTION 1. That Chapter 563, Volume 17, Laws of Delaware, passed at Dover, February 19, 1885, be and the same is hereby amended by striking out the word "actual" in the eighth line of Section 1 thereof, and inserting in lieu thereof the word "rental."

Chapter  
563, Vol. 17,  
amended.

*Passed at Dover, April 5, 1889.*

## OF CITIES AND TOWNS.

## CHAPTER 648.

## OF CITIES AND TOWNS.

AN ACT to amend Sec. 3. Chapter 159, Laws of Delaware.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Section 3,  
Chap. 159,  
Vol. 15,  
amended.

SECTION 1. That Section 3 of Chapter 159, Volume 15, Laws of Delaware, be amended as follows: by inserting after the word "tax" in line three and before the word "in" of same line, the words "upon the white citizens only."

*Passed at Dover, April 18, 1889.*

## CHAPTER 649.

## OF CITIES AND TOWNS.

AN ACT to incorporate the Town of Ocean View in Sussex County, Delaware.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, as follows:*

Limits and  
bounds.

SECTION 1. That the limits and bounds of Ocean View shall begin at the junction of the Canal (for inland water way) and White's Creek, and run with the said Canal limits to the county road that leads from Ocean View to the Beach House, thence south fifty-seven degrees west to the Muddy Neck county road leading down Muddy Neck, thence with said Muddy Neck road to the bridge nearest to I. W. James' house, thence with a branch or stream and White's Creek, home to the place of beginning.

Plot of  
town to be  
made.

The Council of the Town of Ocean View, to be chosen as hereinafter provided, shall hereafter, with the assistance of a sworn surveyor, cause a re-survey and plot to be made of the

## OF CITIES AND TOWNS.

said town as hereinbefore located, with such changes as they may deem proper, together with the streets, alleys, lanes and sidewalks; and the said plot shall be recorded in the Recorder's Office, in and for Sussex County, and shall be evidence in all courts of law and equity in this State. Plot to be recorded.

SECTION 2. There shall be a Council of the Town of Ocean View, to be composed of nine members, one of whom shall, by said Council, be elected President of said Council for the term of one year, and until his successor shall be elected. That an election shall be held in Ocean View, Sussex County, on the second Saturday of April next after the passage of this act, at the free school-house in said town for nine councilmen, three of whom shall be elected for one year, three for two years, and three for three years, and annually thereafter an election shall be held for three councilmen to succeed those whose term of office will expire. The councilmen shall be elected for the term of three years, and until their successors shall be duly elected, and the President of the Council shall be elected from the Board of Council for the term of one year and until his successor shall be duly elected, but any Councilman or the President may be re-elected. The councilmen shall be resident freeholders of the Town of Ocean View at the time of their election, but any married man, resident of said town, whose wife is a freeholder of said town, may be elected a member of said Council or the President of said Council, although he may not be the owner, in his own right, of any real estate within said town. The election shall be opened at one o'clock, P. M., and close at four o'clock, P. M. At such election every free male citizen residing in said town, who shall be of the age of twenty-one years, and shall have paid the town tax last assessed to him, shall have the right to vote. Council to be composed of nine members. President. Election, when to be held. For what time council shall be elected. Councilmen to be freeholders. Hours of holding election for councilmen.

Immediately after the election shall be closed, the vote shall be counted, and the person or persons as the case may be, resident in said town, having the highest number of votes shall be elected. The first election, on the second Saturday in April next, shall be held by the Justice of the Peace, residing in Ocean View or adjacent thereto, who shall, in all respects, conduct said election, and make and deliver certificates to councilmen elected and swear in the same, as fully as the Alderman and his assistants who are hereinafter empowered to hold all subsequent annual elections, and all annual elections thereafter shall be held by the Alderman and two of the six members of Council who hold over, to be chosen by Justice of the Peace to hold first election. Certificates. Alderman to hold subsequent elections.

## OF CITIES AND TOWNS.

the Council at a previous meeting to be held during the month of March.

List of voters to be kept.

The Alderman shall receive the ballots and deposit them in a box to be prepared for that purpose and the assisting councilmen shall each keep a list of the voters voting. When the election shall be closed the Alderman, or one of the assistants, shall draw said ballots out of the box, open and read out the same and pass the same over to one of the said assistants for his inspection, while the third election officer shall tally the votes. In case of a tie of persons voted for council-

In case of a tie Alderman to give casting vote.

men, the Alderman shall give the casting vote. After the result shall have been determined or ascertained, the election officers shall make out certificates and deliver one to each councilman-elect with a notice of the time and place of the next meeting of the Town Council.

Certificates delivered to members elect.

Councilmen to be sworn.

Before entering upon the duties of their respective offices the councilmen-elect shall be sworn in at said meeting, or any subsequent meeting, by the Alderman or one of the councilmen holding over. If at any election the Alderman, or any

In the absence of Alderman, voters to choose some one to hold the election

of the persons whose duty it is to hold said election, should not be present for that purpose at the time hereinbefore designated, the voters present may proceed to elect some one of their number in lieu of the Alderman or absent persons.

Vacancies, how filled.

A minute of each election containing the names of the councilmen-elect, shall be entered immediately after said election in a book provided for that purpose, and subscribed by the persons holding said election. Said book shall be preserved by the Town Council, and shall be evidence. If any vacancy shall occur in the said Council by death, resignation, removal from the town, refusal to serve, or otherwise, of any member thereof, the remaining councilmen shall have power to fill such vacancy or vacancies for the residue of the whole term for which the person or persons whose vacancy or vacancies is or are to be supplied was or were elected.

Council to elect Alderman.

SECTION 3. The Town Council at the meeting after each annual election as hereinbefore provided for, or as soon thereafter as convenient, shall proceed to elect by ballot some suitable person, resident in said town, to be Alderman of the Town of Ocean View, who may or may not be a Justice of the Peace, resident in said town, to serve as such for the term of one year, or until his successor shall be duly elected, subject however to be removed from office at any time by a vote of two-thirds of all the members composing the Town Coun-

## OF CITIES AND TOWNS.

cil. Before entering upon the duties of his office, he shall be <sup>Alderman</sup> sworn or affirmed by the President of the Town Council, or <sup>to be sworn</sup> by any one of the Councilmen, to perform the duties of his <sup>or affirmed.</sup> office honestly, faithfully and diligently..

It shall be his duty to execute all laws enacted for the gov- <sup>Duty of Al-</sup> ernment of said town, and to carry into effect all the orders <sup>derman and</sup> and directions of the Town Council made in pursuance of any <sup>his powers.</sup> law of this State, or of any ordinance that the said Town Council may legally make and establish. He shall have all the powers of the Justice of the Peace within the town and shall have jurisdiction and cognizance of all breaches of the peace and other offenses in said town, so far as to arrest and hold to bail or fine and imprison offenders, and also of all fines, forfeitures and penalties which may be prescribed by any law of this State, or by any ordinance of the Town Council regularly passed and established for the government of the town, and also all neglects, omissions or defaults of any Town Constable, Collector, Assessor, Treasurer, Town Clerk, or any other officer or person whose duty it may be to collect, receive, pay over or account for any money belonging to said town or to execute or obey any law or ordinance thereof; *Provided*, that he shall not impose any fine exceed- <sup>Proviso.</sup> ing twenty-five dollars or have jurisdiction in civil matters exceeding one hundred dollars, exclusive of costs. His fees <sup>Fees of Alderman.</sup> for any service under this section shall be the same as those of a Justice of the Peace for a like service, and for any service or duty for which no fee may be provided by law, the fee may be established by ordinance of the Town Council. If <sup>Vacancy in office of Alderman, how filled.</sup> any vacancy shall occur in the office of Alderman of the Town of Ocean View by death, resignation, removal from office, or otherwise, such vacancy may be supplied by the Town Council at a meeting thereof for the residue of the term. If any Alderman shall be removed from his office by the Town Council as hereinbefore provided, he shall deliver to his successor in office within two days after the election of his successor all books and papers belonging to his office, and shall pay over to the Treasurer of the town all moneys in his hands belonging to the town within five days after his removal. Upon his neglect or failure to deliver to his suc- <sup>Failure of Alderman, when removed to turn over books, &c., a misdemeanor.</sup> cessor in office within the time aforesaid all the books and papers belonging to his office, or upon his neglect or failure to pay over to the Treasurer of the town, within the time aforesaid, all moneys belonging to the town, he shall be deemed guilty of a misdemeanor, and upon conviction there-



## OF CITIES AND TOWNS.

of by indictment shall be fined not less than twenty nor more than one hundred dollars.

Fines and penalties to be reported to Council.

SECTION 4. The Alderman shall at every stated meeting of the Town Council report to the Council all fines and penalties imposed by him during the preceding quarter, and pay to the Treasurer of the Town of Ocean View all such fines and penalties received by him during the said time, and in default of making such report or paying such fines and penalties for a period of twenty days after such report should be made and such fines and penalties should be paid as aforesaid, he shall be deemed guilty of a misdemeanor and upon conviction thereof by indictment shall be fined not less than twenty nor more than one hundred dollars.

Duties of President of Council.

SECTION 5. The duties of the President of Council shall be to preside at the meetings of Council, have the general supervision of all the streets, lanes, and alleys in said town, and of the persons who may be employed by the Town Council, receive complaints of nuisances, and other complaints of citizens of violations of laws and ordinances, and present the same to the Council at their first meeting for their action, and such infraction or violation of the law or ordinances as require immediate action to cause the same to be proceeded on before the Alderman. He shall issue and sign all licenses for every exhibition within the Town of Ocean View, which by Section 1 of Chapter 51 of the Revised Code a license therefore is required; he shall sign all warrants on the Treasurer for the payment of any money, and shall perform such other duties as may be prescribed by any ordinance or ordinances of the Town Council.

President and Council a body politic.

SECTION 6. The councilmen and the President of Council as hereinbefore provided for shall be and they are hereby created a body politic and corporate in law and equity, and shall be able and capable to sue and be sued, plead and be impleaded in courts of law and equity in this State, by the corporate name of "The Town of Ocean View," and shall have a corporate seal which they may alter, change or renew at their pleasure, and may purchase, take, hold and enjoy lands, tenements and hereditaments in fee simple, or otherwise, and also goods and chattels, rights and credits, and may alien, grant, devise and dispose of the same as they may deem proper, and may do all other things which a body politic and corporate may lawfully do to carry *and* \* effect the objects and

To have a seal.

\*So enrolled.

## OF CITIES AND TOWNS.

purposes of this act. The President and Councilmen for the time being shall have the superintendence and oversight of all the roads and streets now open or hereafter to be opened within the limits of said town; and no overseer of any such roads or streets shall be appointed by the Levy Court of Sussex County, but the said Levy Court shall annually appropriate for the repair of said roads and streets a sum of money not less than one hundred dollars, and shall make an order for the payment thereof to the Treasurer of the Town of Ocean View for the use of said town.

To have supervision of roads and streets.

Levy Court to appropriate \$100 for streets.

SECTION 7. The Town Council shall have power, upon the application of ten citizens of the town by petition for the purpose, to locate, lay out and open or widen any new street or streets, lane or lanes, alley or alleys, or widen any street, lane or alley heretofore laid out or hereafter to be laid out in said town or re-open any old street or streets, lane or lanes, alley or alleys, now closed or which may hereafter be closed which ten or more citizens may desire to have located, laid out and opened or widened or re-opened, allowing to the persons respectively through or over whose lands such street or streets, lane or lanes, alley or alleys, may pass, such compensation therefor as they shall deem just and reasonable under all circumstances; which compensation, if any be allowed, shall be paid by the Treasurer of the town out of the moneys of said town upon warrants drawn upon him by order of the Council aforesaid.

New streets, &c.

Old streets.

Damages for laying out or widening streets, &c.

SECTION 8. Whenever the Town Council shall have determined to locate and lay out, or widen any street, lane or alley, and shall have fixed the compensation thereof, it shall be their duty, immediately after the survey and location of the said street, lane or alley, to notify, in writing, the owner or owners of the real estate through or over which such street, lane or alley may run, of their determination to open and widen the same, and to furnish a general description of the location thereof, also the amount of the damages or compensation allowed to each, and if such owner be not resident within the said town, to notify the holder or tenant of said real estate; but if there be no holder or tenant resident in said town, the said notice may be affixed to any part of the premises. If the owners be dissatisfied with the amount of the compensation or damages allowed by the Town Council as aforesaid, appeal from the said assessment of compensation or damages by serving written notice to that effect to the President of said Council. In order to prosecute said appeal

Owner of land for new street to be notified.

Appeal.

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Judge to  
appoint  
commissioners on  
appeal.

Return to  
be made to  
Judge.

Return to  
be final.

Payment of  
damages.

Who to pay  
costs.

Town Council  
may or  
may not  
open the  
street.

such owner or owners shall, within ten days after the expiration of the ten days allowed for appeals, and upon ten days notice to said President of Council, make written application to the Associate Judge of the Superior Court of this State, resident in Sussex County, for the appointment of a commission to hear and determine the matter in controversy, and thereupon the said Associate Judge shall issue a commission, under his hand, directed to five freeholders of the said county, three of whom shall be residents of said Town of Ocean View and two of whom shall be non-residents of said town, commanding them to assess the damages which the owners of the real estate through or over whose lands said street, lane or alley shall pass, who shall have notified the said Town Council of their intention to appeal, may incur by reason thereof, and to make return of their proceedings to the Associate Judge at a time therein appointed. The freeholders named in such commission, being first sworn or affirmed, as in said commission shall be directed, shall view the premises, and they, or a majority of them, shall assess the damages as aforesaid, and shall make return, in writing, of their proceedings in the premises to the said Associate Judge, who shall deliver said return to said Town Council, which shall be final and conclusive. The said Associate Judge shall have power to fill any vacancy in the commission. The amount of damages being so ascertained the Town Council may pay or tender the same to the person or persons entitled thereto within one month after the same shall be finally ascertained, or if the person or persons so entitled reside out of or are absent from the town during the said period of one month, then the same may be deposited to his or her credit in the Farmers' Bank of the State of Delaware, at Georgetown, within said time, and thereupon the said property or land may be taken or occupied for the uses aforesaid. In the ascertainment and assessment of damages by freeholders appointed by the Associate Judge aforesaid, if the damages shall be increased, the costs of the appeal shall be paid by the Treasurer of the town out of any money in his hands belonging to the town, but if said damages shall not be increased the costs of the appeal shall be paid by the party appealing. The fees to the freeholders shall be two dollars per day to each, which shall be taxed as part of the costs. After the damages shall be fixed and ascertained by the freeholders, the Town Council shall have the option to pay the damages assessed within the time aforesaid and to proceed with the said improvements, or upon the payment of the costs only may abandon the proposed improvements.

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SECTION 9. The Town Council shall have power to enact Ordinances. ordinances to prevent nuisances, to preserve the health of the town, and to prevent the introduction of infectious or contagious diseases, for which purpose their jurisdiction shall extend to any distance within one mile of the limits of said town. The Council may also pass ordinances to define and remove nuisances, to ascertain and fix boundaries of streets, squares, lanes and alleys, or to repair and improve the same, or to alter, extend or widen any street, square, lane or alley, or open and lay out new ones, subject to the provisions in that behalf hereinbefore contained; to regulate and fix the ascents and descents of all streets, lanes and alleys, and the drainage thereof; to direct the paving or graveling of footways and to prescribe the width thereof; to regulate and provide for the making of gutters, and the placing of gutter stones or plates therein and curbs, may be necessary or proper; to prescribe the extent of steps, porches, cellar doors and other inlets to lots and buildings; to regulate the construction and repair of chimneys, and provide for the same cleaned and in good order; to regulate the storage of gunpowder or any other dangerous or combustible material, and to provide against casualties by fire. No person shall be obliged to pave any footway to greater breadth than four feet in front of any vacant lot or lots, not near or adjoining a dwelling house, and no grading, curbing or widening of sidewalks, shall, after the same has once been established, be directed to be altered or changed for a period of ten years, except upon the petition of a majority of the property owners holding land on such street or part of street where such alteration or change is proposed to be made, and upon such petition the Town Council shall have the option to make such change or alteration, or not. The Town Council shall also have power to enact ordinances in relation to the keeping or harboring of dogs, to provide for the registration of the same, and to regulate their running at large, and may impose an annual tax not exceeding fifty cents on every male dog, or one dollar on every female dog, and may provide for the collection of the same from each and every person owning or harboring any dog or dogs; and also shall have power to impose fines and penalties for the enforcement of any of said ordinances. The said Council shall have power also by ordinance to appoint a Town Surveyor to make a plot or map, showing the ascent and descent of all streets, lanes and alleys, the building lines upon the same, and generally to do and perform all such matters and things as they may deem neces-

Jurisdiction  
to extend  
for one mile

Paving,  
graveling,  
guttering,  
&c.

Extent of  
steps,  
porches, &c.

Storage of  
combustible  
material.

Width of  
pavements.

Harboring  
and taxing  
of dogs.

Town  
surveyor.

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sary for carrying into effect the provisions in this section contained.

**SECTION 10.** Whenever the said Town Council shall have determined that any paving and curbing, or any or either or all of them shall be done, they shall notify the owners of the land in front of whose premises the same is to be done, particularly designating the nature and character thereof, and thereupon it shall be the duty of such owner to cause such paving, graveling and curbing to be done in conformity with said notice. In the event of any owner neglecting to comply with said notice for the space of thirty days, the said Council may proceed to have the same done, and when done the Treasurer of the town shall, as soon as convenient thereafter, present to the owner or owners of such lands, a bill showing the expense of such paving, graveling and curbing; if such owner or owners be not resident in the Town of Ocean View, such bill may be presented to the occupier or tenant of said lands, or if there be no occupier or tenant resident of said Town of Ocean View, such bill may be sent by mail to such owner or owners, directed to him or them at the post office nearest his or their residence. If such bill be not paid by the owner or owners of such lands within thirty days after the presentation thereof as aforesaid, then it shall be the duty of said Town Council to issue a warrant in the name of the Town of Ocean View, under the hand of the President of the Town Council and the seal of the said corporation, directed to the Treasurer of the Town of Ocean View, commanding him that of the goods and chattels, lands and tenements of such owner or owners, he should cause to be levied and made the amount of the said bill, together with all costs. It shall be the duty of the Treasurer of the Town of Ocean View, as soon as convenient after the said warrant shall be delivered to him, and after ten days notice to the owner or owners of such lands, and after posting five or more notices of sale in at least five of the most public places in the Town of Ocean View, at least ten days before the day of sale, to sell the goods and chattels of such owner or owners at public auction, or so much thereof as may be necessary to pay the amount of said bill with all costs. If no goods and chattels of such owner or owners can be found within said town sufficient to satisfy the amount of said bill with all costs, then it shall be the duty of the said Treasurer of the said Town of Ocean View, after ten days notice to such owner or owners aforesaid, and after posting five or more notices of sale in at least five of the most

Paving and  
curbing.

Neglect of  
owner to  
pave.

## OF CITIES AND TOWNS.

public places in the Town of Ocean View, for at least ten days before the day of sale, and after causing such notice of sale to be published twice in one newspaper printed in the said Town of Ocean View, (or if there be no newspaper printed in the said Town of Ocean View, then in a newspaper printed anywhere in Sussex County), to sell the lands or tenements of such owner or owners in front of which said paving, graveling and curbing, or either of them, have been done, or so much of said lands and tenements as may be sufficient to satisfy the amount of said bill with all costs, and a deed from the Treasurer of the said Town of Ocean View, shall convey to the purchaser or purchasers of such lands and tenements as full and complete title, in fee simple or otherwise, as if the same were executed by the owner or owners thereof. The claim for paving, graveling and curbing shall be a lien on the premises in front of which the said work was done, and shall have priority over any lien, incumbrance or conveyance suffered or made by the owner or owners after the presentation of the said bill as aforesaid. It shall be the duty of the Treasurer of said town, of the purchase money of the said goods and chattels, or lands and tenements, sold as aforesaid, to pay all costs arising from the proceeds of sale to the parties entitled thereto, and to retain for the use of said town the amount of the said bill as aforesaid, and the residue of the said purchase money, if any, shall be immediately be deposited in the Farmers' Bank of the State of Delaware, at Georgetown, to the credit of the said owner or owners. The Treasurer of said town shall be entitled to receive five dollars for every sale of personal property under this section, and ten dollars for every sale of real estate under this section, together with such additional sum as may be reasonable and proper for the keeping, taking care of such personal property, for selling the same and for advertising, all of which shall be part of the costs, to be paid out of the purchase money as aforesaid. Any notice required by this section to one co-owner shall be notice to all; and in case no owner shall reside in the said town, notice served upon the occupier or tenant shall be sufficient, or if there be no owner or occupier or tenant of said premises resident in the said town, it shall be sufficient to send notice by mail to any owner of said premises, directed to him or her at the post office nearest his or her place of residence.

Council  
may sell  
property to  
pay for  
paving. &c.

Claim for  
paving, &c.,  
to be a lien  
upon  
property.

Treasurer  
of town to  
have \$5 for  
selling per-  
sonal and  
\$10 for sell-  
ing real  
estate.

The provisions hereinbefore contained in this section shall apply to any order made by the Council of said town in

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respect to any pavement, sidewalk, or curb, heretofore made or done, which the said Council may deem insufficient or to need repairing. The said Council, in addition to the provisions of this section hereinbefore contained, shall have power and authority to enforce, by ordinance, all the requirements of this section, by imposing such fines and penalties as shall in the judgment of said Council be necessary and proper.

Stated  
meetings  
of council,

Alderman  
or Justice  
of the Peace  
have power  
to commit to  
county jail,

SECTION 11. The Town Council of said town shall have power and authority to make, establish and publish such ordinances as they deem beneficial for the good government of the said town at any stated meeting. There shall be four stated meetings in every year of the said Council, to wit: On the first Saturday in March, June, September and December. They shall have and are hereby vested with power and authority to prescribe the fines and penalties for violation of any of the provisions of this act, or of the ordinances which they may enact in pursuance hereof, and which are not specially provided for in this act. All such fines and penalties which may be imposed either by this act or the ordinances enacted as aforesaid, may be collected before the Alderman of said town, or any Justice of the Peace of said town; and in default of payment said Alderman or Justice of the Peace may commit for any time not exceeding thirty days.

Number  
of town  
constables.

SECTION 12. The Council of said town may appoint such number of town constables as shall be deemed necessary, who, with the Constable of Sussex County residing in or near said town shall constitute the town police. The Council of said town shall also have power and authority to remove any of the town constables at any time and appoint others in the place of those removed, if it shall be deemed necessary to make such appointments.

Receipts  
and expen-  
ditures to  
be published

Pay of  
councilmen

SECTION 13. The Council of said town shall cause a statement of their receipts and expenditures to be published once a year in at least one newspaper printed in said town, but if there be no newspaper printed in said town, it shall be the duty of said Council to submit their book of accounts containing the amounts received and paid out during each year to the voters of said town at their regular March meeting for inspection, revision and approval. The said Councilmen shall be allowed for their attendance at each of said stated meetings a sum not exceeding one dollar.

SECTION 14. The Council of said town shall have power and authority to make such regulations and enact such ordi-

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nances relative to the traveling over and upon the streets, lanes or alleys in said town, and to the use thereof, and the standing or placing of carts, carriages or other vehicles, or obstructions in and upon the public square, or any of the said streets, lanes, alleys or sidewalks. The Town Council shall also have power to enact ordinances in relation to and to prevent any horse, mare, colt, mule, cattle, sheep, swine and geese from running at large within the limits of the town, as they shall deem proper to secure the free and uninterrupted use and enjoyment thereof; and if any person violate the regulations and ordinances of the said Council in that behalf, every person so offending shall forfeit and pay to the Treasurer of said town, for the use of said town, a sum not exceeding ten dollars, to be recovered, with costs, by the Treasurer of said town in the name of "The Town of Ocean View," before the Alderman of said town, or before any Justice of the Peace residing in said town, in the same manner as debts of like amount are recoverable by law.

Council shall have power to prevent horses, cattle, sheep, swine, &c., from running at large.

SECTION 15. It shall and may be lawful for the Council of said town to use the jail of Sussex County for the purpose of carrying into effect any judgment or sentence pronounced under the provisions of this act, or for carrying into effect any ordinances or regulations adopted under the provisions of this act; and it shall be the duty of the keeper of said jail to receive and lock up in said jail any person committed to his custody under the provisions of this act, or under the provisions of any ordinance of the Council of said town.

Council may use the jail of the county.

Duty of keeper of jail.

SECTION 16. The Council of said town shall have the power and authority to use the money in the treasury of the said town, or any portion thereof, for the improvement, benefit and ornament thereof, as they may deem advisable. In the general performance of their duties, the acts, doings and determinations of a majority of the Council of said town shall be as good and binding as the acts, doings and determinations of the whole. In case of a vacancy or vacancies in the Council of said town, the remaining members, until such vacancy or vacancies shall be filled, as hereinbefore provided, shall have the same power and authority as the whole.

Money in treasury to be used for improvements.

Vacancies in council, how filled.

SECTION 17. It shall be the duty of the Alderman of said town, and Council of said town, and of the Constable of Sussex County residing in said town, and of the Town Constables, to suppress all riotous, turbulent, disorderly or noisy assemblage or gatherings of persons in or about any buildings,

Riotous, turbulent, disorderly assemblages to be broken up.



## OF CITIES AND TOWNS.

used for any fair, festival, concert or other social, literary or religious meeting or any entertainment whatsoever, or in the streets, lanes, squares or alleys of said town, at any time or season whatsoever; to prevent all gatherings whatsoever which may obstruct or interfere with the free use of the streets, lanes, alleys or sidewalks, and for this purpose it shall be the duty of any of said constables to seize and arrest any such persons so offending, and carry him or them before the Alderman of said town, whose duty it shall be to hear and determine the case, and upon conviction before him, the Alderman shall sentence any such person, so convicted, to pay a fine not exceeding ten dollars, and may commit the party or parties to prison, for a period not exceeding thirty days, or until said fine and costs shall be paid. It shall be the duty of the Alderman of said town, upon complaint made before him of any such riotous, turbulent or noisy assemblage or gatherings as aforesaid, to issue his warrant to any one of the constables aforesaid, commanding him to arrest and bring any such person so offending as aforesaid before him for trial. It shall be the duty of the Constable aforesaid, or any one of them, to arrest any drunken or disorderly person they may see on the streets of said town, and to take such person so arrested before the Alderman of said town, who shall proceed forthwith to hear and determine the case, and upon conviction before him he shall sentence such person in the same manner and to the same punishment provided in this section for the punishment of persons brought before him for the offenses in this section first enumerated. If upon view of the person or persons who may be brought before the Alderman of said town for violation of this section, it shall appear to the Alderman that in his judgment such person or persons are not in a condition to be heard and tried, he may use his own discretion in fixing or appointing a time for trial of all such person or persons brought before him for violating this section. The fee to the Alderman of said town for the trial of any cause under this section shall be fifty cents, and to the Constable making the arrest fifty cents. In case of commitment the Constable shall receive an additional fee of two dollars, and the keeper of said jail shall be entitled to a fee of fifty cents for each commitment, whether by a constable or by the Alderman of said town, and he shall be entitled to the same pay for board of the person so committed as is allowed by the Levy Court for board of prisoners; *Provided*, the town shall pay for the board of all prisoners committed to jail for violation of the charter or by-laws of the Town of Ocean View.

Constables  
to arrest  
drunken  
people.

Fee to Al-  
derman and  
constable.

Provido.

## OF CITIES AND TOWNS.

SECTION 18. The Alderman of said town, the Council of said town and the town constables shall have power and authority to suppress, extinguish and prevent all bonfires in any of the streets, lanes, alleys or squares of the said town, and to suppress and prevent the firing of guns or pistols or the setting off of fire-crackers or other fire-works, or the making and throwing of fire-balls within the limits of said town, and the Council of said town may by ordinance or ordinances impose fines and penalties upon the persons violating the provisions of this section, and may provide for the collections of such fines and penalties so imposed.

Bonfires,  
guns and  
fire-crack-  
ers.

SECTION 19. The Council of said town are hereby authorized and required to cause all obstructions and nuisances that may at any time be and exist within the limits of said town, whether on the public square or in the streets, lanes or alleys, or on the sidewalks, or in any other place within the limits aforesaid, to be removed and abated. The Council of said town, or a majority of them, may proceed, either on their own view, or upon complaint of any other citizen, in writing, stating the character of the obstruction or nuisance and where the same exists. If the Council of said town, or a majority of them, either of themselves, or upon such information, and upon view, shall determine that an obstruction or nuisance exists and ought to be removed, they shall give notice, in writing, signed by the President of said Council, to the person causing the obstruction or nuisance, or who is responsible for its existence or continuance, to remove or abate the same; and if such person shall refuse or neglect, for the space of two days after such notice, to remove or abate such obstruction or nuisance; the Council of said town shall have power and authority to cause such obstructions or nuisance to be removed or abated and for this purpose the Council of said town may issue a warrant in the name of the Town of Ocean View, under the hand of the President of the Council and the seal of the said corporation, and directed to any Constable of the Town of Ocean View, commanding him forthwith to remove or abate such obstruction or nuisance; whereupon the Constable to whom the said warrant may be delivered shall forthwith proceed to remove or abate the same, and for this purpose he shall have full power and authority to enter into and upon any lands and premises within the Town of Ocean View, and to take with him such assistance, implements, horses, carts, wagons, or other things as may be necessary and proper, and do and perform all matters and things right

May re-  
move ob-  
structions  
and nui-  
sances.

## OF CITIES AND TOWNS.

Costs and  
damages.

and proper to be done for the removal of such obstructions or the abatement of such nuisance. The costs and damages of all the proceedings shall be determined and adjudged by the Council of said town for the use of the town, and shall be paid by the person causing the obstruction or nuisance, or who is responsible for its existence or continuance, within ten days after a bill, stating the amount of such cost and damages, shall have been presented to such person. Then the Council of said town may proceed to collect the same out of the goods and chattels of such person, by warrant issued to the Treasurer of said town, in the same manner as is provided in Section 10 of this act, for the collection of the expenses of any paving, graveling, &c., and the Treasurer of said town, upon the receipt of such warrant, shall have all the power to sell the goods and chattels of such person conferred, and shall proceed in the same manner as directed by said Section ten of this act, on warrants directed to him, under said section to collect the expense of graveling, paving, &c., except that nothing in this section contained shall confer any power upon the Treasurer of said town to sell any lands and tenements. If the person causing such obstruction or nuisance, or who is responsible for its existence or continuance, shall neglect or refuse to remove or abate the same for the space of two days after such notice as aforesaid, he shall, in addition to the provisions hereinbefore in this section in that behalf contained, forfeit and pay to the Treasurer of said town, for the use of the town, the sum of five dollars and one dollar additional for each and every day such obstruction or nuisance shall continue unremoved or unabated after the expiration of the two days notice as aforesaid, to be recovered, with costs of suit, in the name of the Town of Ocean View, before the Alderman of said town, or any Justice of the Peace residing in said town, as debts of like amount are recoverable. In ascertaining the amount of the judgment, the person before whom the case is heard and determined shall compute the time beginning with and including the day following the expiration of the said two days notice, up to and including the day on which judgment is rendered, if the obstruction or nuisance be then not removed or abated, or if then removed or abated up to and inclusive of the day on which such obstruction or nuisance was removed or abated, and one dollar for every such day shall be added to the five dollars and judgment rendered accordingly. If the amount of the judgment, exclusive of costs, shall exceed one hundred dollars, the case shall not be cognizable before the Alderman

Penalty for  
not removing  
obstruction or  
nuisance.

## OF CITIES AND TOWNS.

or a Justice of the Peace, but in such case suit, in the name of the Town of Ocean View, may be brought in the Superior Court of the State of Delaware in and for Sussex County.

These last provisions shall be cumulative and additional to the provisions hereinbefore in this section contained. Cumulative provisions of this section.

SECTION 20. If any Constable shall neglect or refuse to perform any of the duties required of him by this act, he shall be deemed guilty of a misdemeanor, and it shall be the duty of the Council of said town to present him to the Grand Jury of Sussex County, and upon conviction thereof, by indictment, he shall be fined in a sum not less than ten nor more than one hundred dollars, and may be imprisoned at the discretion of the court, for any term not exceeding one year, and upon such conviction he shall *ipso facto* forfeit his office. Neglect of constable to perform duty. May be indicted. Fines, &c.

SECTION 21. It shall be the duty of the Council of said town, as soon as conveniently may be after the election of members of said Council on the second Saturday in April after the passage of this act, and after such annual election of members in every year, as hereinbefore provided, to elect, by ballot, a Treasurer, Clerk, and Assessor for said town, who shall hold their offices for the term of one year, and until their successors shall be duly elected. The Treasurer and Clerk may or may not be the same person. The Assessor shall be a freeholder, resident in said town, and may or may not be a member of said Council. The said Council shall also have authority to elect, by ballot, a collector of taxes in any year they may think proper to do so. The Treasurer before entering upon the duties of his office, shall be sworn or affirmed faithfully, honestly and diligently to perform the duties of his said office, which oath or affirmation may be administered to him by the President of said Council or by any member thereof, or by any Justice of the Peace or Notary Public. He shall also before entering upon the duties of his office, give bond to the Town of Ocean View, with sufficient surety, to be approved by the Council of said town, in the penal sum of double the amount of what may be likely to come into his hands conditioned for the faithful discharge of the duties of his said office, and for the payment to his successor in office of all sums of money belonging to said town, which may remain in his hands upon the settlement of his accounts, to which said bond and conditions there shall be annexed a warrant of attorney for the confession of judgment for said penalty. The said Treasurer shall pay all orders Annual elections. Who to be elected. Assessor to be a freeholder. Collector of taxes. Treasurer to be qualified. Bond.

## OF CITIES AND TOWNS.

To settle  
his accounts  
annually.

When  
treasurer  
may collect  
taxes.

Clerk to  
keep record  
of pro-  
ceedings.

Compensa-  
tion of  
treasurer,  
clerk and  
assessor.

drawn on him by order of said Council and signed by the President thereof, out of any moneys in his hands belonging to said town. He shall settle his accounts with the said Council annually in the month of February, and at such other times as the said Council may require. The said Treasurer shall also, in any year, when no collector of taxes shall be elected by the Council of said town, and when required to do so by said Council, collect all the taxes assessed in said town as hereinafter provided. It shall be the duty of the Clerk of said town to keep a true and faithful record of all the proceedings of the Council of said town at all meetings held by them, and to do and perform such other matters and things as may be required of him by this act, or which may be prescribed by any ordinance or ordinances enacted by said Council. The Treasurer, Clerk and Assessor of said town shall each receive a reasonable compensation for their services, to be determined by the Council of said town, *Provided*, the compensation of the said Treasurer, as such, shall not exceed two per cent. on all moneys received by him, belonging to said town, and of the Treasurer acting as collector shall not exceed eight per cent. on the taxes collected by him.

Assessment  
to be made  
annually.

Assessment  
to be hung  
up in post  
office.

Court of  
Appeals.

SECTION 22. It shall be the duty of the Assessor of said town, annually to make a true, just and impartial valuation and assessment of all the male citizens residing in said town above the age of twenty-one years, as well those owning, as those not owning real estate within the limits of said town, and also the personal property of such citizens, subject to county assessment and taxation. The said Assessor shall make such assessment and return the same to the Council of said town within six weeks next after the election of said Assessor. The Council of said town shall within five days next after receiving said assessment list cause a full and complete transcript of said assessment list to be hung up in the post office in said town, there to remain for the space of ten days thereafter for public inspection, and the said Council shall, on the Saturday next after the expiration of the said ten days, hold a Court of Appeal, which shall continue open from one o'clock, P. M. till four o'clock, P. M. of said day, when they shall hear and determine appeals from the said assessment, and may make correction of, addition to or alteration in the said assessment. Notice of the hanging up of the said assessment list, and also at the same time, notice of the time and place of hearing appeals shall be given by posting

## OF CITIES AND TOWNS.

such notice in at least six public places in said Town of Ocean View. The determination of the Council of said town upon any appeal or upon any matter relating to such assessment shall be final and conclusive. No member of Council of said town shall sit upon his own appeal, but the same shall be heard and determined by the other members of said Council. After the said valuation and assessment shall be examined and adjusted by the Council of said town, all taxes shall be levied, assessed and raised on the real estate, personal property and persons thus valued and assessed, in just and equal proportions and rates. The Assessor, before entering upon the duties of his office, shall be sworn or affirmed diligently, faithfully and impartially to perform the duties of his office to the best of his ability, knowledge and judgment, which oath or affirmation may be administered to him by the President of said Council, or by any member thereof, or by any Justice of the Peace or Notary Public.

Assessor to  
be sworn or  
affirmed.

SECTION 23. The Council of said town, after having ascertained the sum necessary to be raised on the said town for the purposes of this act, which sum shall in no year exceed two hundred dollars, clear of dog tax and all delinquencies and expenses of collection, and after having apportioned the same on the assessment and valuation aforesaid, shall annually in the month of April, or as soon thereafter as convenient cause to be delivered to the collector of taxes, if there be one elected by the Council of said town in said year, or if there be none, to the Treasurer of said town, a list containing the names of the taxables, as well the owners of real estate, as those not owning real estate, and opposite the name of each the amount of the real estate, his poll and assessable personal property and the tax on the whole valuation and assessment, and the rate per hundred dollars, and which list shall be signed by the President of said Council. The collector of taxes, or if there be none elected in said year, the Treasurer of said town, immediately after receiving said list, and collecting the same, shall have all the powers conferred by law on the collectors of the county rates, and levies by the provisions of Chapter 12 of the Revised Code of 1852. In the collection of said taxes, the Council of said town shall have the power and authority to order the collector of taxes, or if there be none, the Treasurer to deduct five per cent. from the amount of the tax assessed against the person or property of any one who will pay such tax by the first day of July in any year following the assessment of the same. The

Amount of  
money to be  
raised.

Names of  
taxables to  
be returned  
to collector  
or town officer

Collector to  
have the  
powers, &c.,  
of Chapter  
12 of the  
Revised  
Code of 1852

## OF CITIES AND TOWNS.

To give  
bond.

collector of taxes, before entering upon the duties of his office, shall give bond to the Town of Ocean View, with sufficient surety, to be approved by the Council of said town, in the penal sum of twice the amount likely to come into his hands, conditioned for the faithful performance of the duties of his office, and the payment to the Treasurer of said town, of all moneys collected by him, belonging to said town, and for the settlement of his accounts with the Council and Treasurer of said town in the month of February next following his election, as collector of taxes, and at such other times as the Council of said town may require, to which said bond and conditions there shall be annexed a warrant of attorney for the confession of judgment for said penalty. The

Compensation  
for  
services.  
Proviso.

collector of taxes shall receive a reasonable compensation for his services, to be determined by the Council of said town; *Provided*, that he shall not receive more than eight per cent. on the taxes collected by him. The Council shall have power to make just allowances for delinquencies in the collection of taxes.

Public act. SECTION 24. This act shall be deemed and taken to be a public act.

*Passed at Dover, April 2, 1889.*

## CHAPTER 650.

## OF CITIES AND TOWNS.

## AN ACT to incorporate the Town of Cheswold.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, two-thirds of each branch concurring therein:*

Corporation 1. That the citizens of the *Town of Cheswold* shall be a body politic and corporate, in fact and in law, by the name of the "Town of Cheswold," and by that name shall sue and be sued, plead and be impleaded, in all courts of either law or equity in this State, and may have and use a common seal with

## OF CITIES AND TOWNS.

such device or devices as they shall think proper, with power to alter the same as may be deemed expedient, to purchase, hold, receive and enjoy any lands or tenements, and also personal property, and to alien, grant, sell, and dispose of the same in such manner and form as they may deem expedient for use of said town.

2. The Town Commissioners shall have power to widen, straighten, and extend the streets, lanes and alleys now existing, and also to lay out and open new ones, and, for that purpose, to purchase, or condemn and appropriate land. When land is wanted for any of these purposes the commissioners shall have a survey and plot made of the same, clearly defining what is wanted, and giving boundaries and adjoiners, courses and distances, which plot shall be submitted to the owner of said land, if a resident of Kent County, and endeavor to agree with him as to the price to be paid by said town for the land so to be appropriated. If no agreement be made, then the said commissioners shall name two referees, and the owner of the land shall also name two, to value the said land so to be taken, and assess the damages sustained by the owner for taking the same. If the said referees or a majority of them shall agree, they shall sign an award fixing the amount to be paid by the town to said owner, but if they be equally divided, then they shall choose an umpire whose decision shall be final so far as said reference is concerned. The award, whether by the referees or umpire, shall be signed and attached to the plot, and filed with the Clerk of the town, and shall there remain for the inspection and use of all citizens. Should the commissioners deem the damages too high, they may abandon the project. In such case they shall pay out of the town funds the incidental expenses of the proceedings. Should the owner deem them too low, he may within ten days after receiving written notice of the award, file with the clerk an appeal from the assessment, and upon such an appeal being filed, the clerk shall forthwith make out a fair transcript of the entire proceedings and certify the same unto the Superior Court in and for Kent County, and the Prothonotary thereof shall docket the same; and without further pleadings, put it down on the trial list at the term of said court next following, at which term it shall have procedure,\* and be tried, unless continued by mutual consent. The appeal here provided for shall be tried as other causes in said court. In case the said owner should refuse, or decline,

Town commissioners.

Survey and plot.

Referees to value land taken for streets

Amount of damages.

Award to be attached to plot.

Commissioners may abandon project if damages are too high

Owners may appeal.

Appeal, how tried.

\*So enrolled.



## OF CITIES AND TOWNS.

Notice to  
non-resi-  
dents.

Nearest  
Justice of  
the Peace  
to act for  
absent  
owner.

Referees to  
be sworn.

Condemned  
land.

Damages in  
certain  
cases to be  
deposited in  
Farmers'  
Bank.

Costs of ap-  
peal, how  
paid.

Corporation  
to regulate  
streets, &c.

or be incompetent to join in the appointment of referees as above provided, the nearest Justice of the Peace shall act for him, and whatever the said Justice may do in that regard, shall be as efficacious as it done by the owner himself, and should the owner of the land so desired to be appropriated be a non-resident of Kent County, notice shall be given to his agent or tenant, of the intended appropriation, and if he has no known agent or tenant in Kent County then notice shall be sent by mail to his address, if known, at least two weeks before any proceedings are taken. If he has no known address, or does not appear within two weeks after the mailing such notice, by himself, agent or attorney, then and in that case the nearest Justice of the Peace shall act for him throughout the entire proceedings, or until the owner himself appears.

3. The referees and umpire herein provided for shall be sworn to discharge their duties with fidelity and impartiality; and none of them shall be a citizen of Cheswold, unless chosen by the owner of the land.

4. Any land so condemned shall be for the purpose set forth in the proceedings and none other; and, if abandoned for that purpose, shall revert to the owner. No land shall be taken until paid for.

5. Should the person to whom the damages are awarded be absent or otherwise incompetent to receive them, the amount shall be deposited in the Farmers' Bank at Dover, in his name, and for his use; and the Treasurer of the town shall take duplicate certificates of such deposits, one of which shall be filed with the clerk of the town, and the other he shall mail to the owner, if his address be known; and if not, he shall retain it until he appears, or until his address has been ascertained, when he shall then mail it.

6. On the trial of the appeal herein provided for, if the owner succeeds in obtaining a larger amount than the award, the cost shall follow the judgment; if not, he shall not be allowed his costs.

7. The said corporation shall have power to regulate the streets, lanes, alleys and sidewalks of said town, and lighting of the same, and may direct the sidewalks, or any part thereof, to be paved or otherwise improved, at the expense of the owner of the ground adjacent. On complaint of any citizen, to examine any chimney, stove-pipe, fixture, or any

## OF CITIES AND TOWNS.

other matter dangerous to the town, and if adjudged dangerous, to require and compel it to be repaired, remedied, or removed; to prevent and remove nuisances therein, to prohibit the firing of guns or pistols, the making of bonfires, or setting off fire-works, or any dangerous sport or practice; and to prevent or suppress any noisy or turbulent assemblages within the town, and generally they shall have all the powers necessary to preserve and maintain peace and good order in said town. Turbulent assemblages

8. On the second Saturday of May, A. D. 1889, and on the same day of May in each succeeding year thereafter, from two till four o'clock afternoon, a town election shall be held for town officers, at which all assessed citizens of twenty-one years of age and upwards, who have paid their county and road taxes for the year current, or next preceding, shall have the right to vote. Said election shall be by ballot, and shall be held by the Alderman and judges in this act provided for, the former of whom shall preside and give the casting vote in case of a disagreement. The officers to be elected shall be five commissioners, and two judges of elections, but no person shall vote for more than one judge of elections, and the judges of election so chosen, with the Alderman, shall hold the next succeeding election, and so from year to year. Date of annual election. Who to vote Election to be by ballot Tie vote. Officers to be elected.

The persons having the highest number of votes shall be elected, but should two or more have the highest and equal number of votes, the Alderman shall give the casting vote. The judges of election shall be duly sworn to discharge their duties with fidelity and impartiality, and the Alderman or any Justice of the Peace or Notary may administer such oath, and any oath required by this act and not otherwise directed. Judges of election to be sworn.

9. That there shall be four stated meetings in every year of the said commissioners, viz.: On the last Monday in January, April, July, and October, at which meetings they may pass all such ordinances, or rules, for the good government of the said town, the improvement of the streets, the paving or other improving of the sidewalks, the proper lighting of the streets; the planting and protection of ornamental trees; the repairs and making of public pumps, and for all other matters relating to the said town, its police, improvement, ornaments, and general welfare, as said commissioners may deem proper; *Provided*, the same be not repugnant to the Constitution and Laws of this State and of the United States. By such ordinances they may impose fines, penalties and forfeit- stated meetings. Ordinances and rules, when they shall be passed. Provide.

## OF CITIES AND TOWNS.

Special  
meetings.Commis-  
sioners to  
elect presi-  
dent of  
board.President  
to sign  
warrants on  
treasurer.Tax to be  
raised.Assessor,  
collector  
and treas-  
urer to be  
appointed.Duty of  
assessor.Appeal  
from assess-  
ment.

ures, and provide for their collection; also the commissioners shall have authority to call special meetings of the commissioners whenever they deem such meetings necessary, and at all such meetings they shall have the right to transact any business that they have authority to transact at regular meetings, and the commissioners shall receive for their services no compensation. The said commissioners shall, at their first meeting after their election, elect one of their members as President of said Board of Commissioners, whose duty it shall be to preside at the meetings of Council, have the general supervision of all the streets, lanes, and alleys in said town; and of the persons who may be employed by the Town Commissioners; receive complaints of nuisances and other complaints of citizens of violation of laws and ordinances; and present the same to the commissioners at their first meeting for their action; and such infraction or violation of the law or ordinances as require immediate action, to cause the same to be proceeded on before the Alderman. He shall sign all warrants on the Treasurer for the payment of any money, and shall perform such other duties as may be prescribed by any ordinance or ordinances of the Town Commissioners.

10. That the commissioners herein named and their successors in office, shall at their first stated meeting in each year, determine the amount of tax to be raised in said town for that year, not exceeding one hundred dollars, including tax on real and personal property and poll tax, but excluding exonerations and commissions for collections, and shall appoint one or more assessors who may or may not be of their number, to make an assessment of persons and property in said town, and shall also appoint a Collector and Treasurer. It shall be the duty of the Assessor or assessors of said town, within two weeks from his or their appointment, to make a true, just, and impartial valuation and assessment of all the real estate and assessable personal property within said town, and also an assessment of all the citizens residing in said town, above the age of twenty-one years, as well as those owning real estate as those not owning such estate within the limits, at least twenty-five cents per head, and the said Assessor or assessors shall forthwith, after making such assessments, deliver to the commissioners for the time being, a duplicate containing the names of all the persons assessed, and the amount of their assessment, distinguishing the real and personal assessment of each. When the assessment is returned the commissioners shall give five days public notice

## OF CITIES AND TOWNS.

of the fact, that they will sit together at a certain place and on a certain day, to be designated by them, from one till four o'clock in the afternoon, to hear appeals from the said assessments. They shall have power on such day to add to or decrease any assessment. When the appeal day is past, they shall without delay, cause the assessment list to be transcribed, and the transcript to be delivered to the Collector, who shall thereupon collect from each taxable his proportion of the tax laid, and pay over the whole amount deducting commissions and delinquencies, (which shall be allowed by the commissioners) to the Treasurer by the first day of October next after the receipt of his duplicate. The Collector shall have the same power for the collection of said taxes as are conferred by law on the collectors of county taxes.

Collector to collect taxes by 1st day of October.

Power of collector.

11. That the commissioners or a majority of them shall have authority to employ, and use the money in the treasury of the town, for the general improvement, benefit and ornament of said town, as they may deem advisable; and all the money paid out by the Treasurer shall be paid upon the order of the commissioners, or a majority of them.

Money, how to be used.

12. That any ordinance for the paving or improving of the sidewalks shall apply only to those persons owning the property fronting upon them, who, and who alone, shall bear the expense of making the pavements, or other improvements ordered. If such ordinance be not complied with within one month, the commissioners may procure the materials and work to be found and done, and collect the expense of the same, on ten days notice by advertisement at three of the most public places in said town, out of the real or personal estate of the person in default, situate in said town. The sale may be made by any person whom the commissioners may depute for that purpose, and, if the proper notice has been given, the sale shall be valid and shall transfer all the title of the person in default in such property to the purchaser, subject to prior liens and encumbrances. The money realized from the sale shall be paid to the Treasurer for the use of the town. The commissioners shall tax and allow the officer making the sale his reasonable costs, and the surplus, if any, shall be paid to the owner of the property sold.

Ordinances for pavements and sidewalks.

When commissioners may do the work.

Money for paving, &c., how collected.

Cuts for sale to collect money for paving.

13. That the President and Commissioners for the time being shall have the superintendence and oversight of all the roads and streets now open, or hereafter to be opened, within the limits of said town, and no overseer of any such roads or

Super vision of streets and roads.

## OF CITIES AND TOWNS.

Special  
meetings.Commis-  
sioners to  
elect presi-  
dent of  
board.President  
to sign  
warrants on  
treasurer.Tax to be  
raised.Assessor,  
collector  
and treas-  
urer to be  
appointed.  
Duty of  
assessor.Appeal  
from assess-  
ment.

ures, and provide for their collection; also the commissioners shall have authority to call special meetings of the commissioners whenever they deem such meetings necessary, and at all such meetings they shall have the right to transact any business that they have authority to transact at regular meetings, and the commissioners shall receive for their services no compensation. The said commissioners shall, at their first meeting after their election, elect one of their members as President of said Board of Commissioners, whose duty it shall be to preside at the meetings of Council, have the general supervision of all the streets, lanes, and alleys in said town; and of the persons who may be employed by the Town Commissioners; receive complaints of nuisances and other complaints of citizens of violation of laws and ordinances; and present the same to the commissioners at their first meeting for their action; and such infraction or violation of the law or ordinances as require immediate action, to cause the same to be proceeded on before the Alderman. He shall sign all warrants on the Treasurer for the payment of any money; and shall perform such other duties as may be prescribed by any ordinance or ordinances of the Town Commissioners.

10. That the commissioners herein named and their successors in office, shall at their first stated meeting in each year, determine the amount of tax to be raised in said town for that year, not exceeding one hundred dollars, including tax on real and personal property and poll tax, but excluding exonerations and commissions for collections, and shall appoint one or more assessors who may or may not be of their number, to make an assessment of persons and property in said town, and shall also appoint a Collector and Treasurer. It shall be the duty of the Assessor or assessors of said town, within two weeks from his or their appointment, to make a true, just, and impartial valuation and assessment of all the real estate and assessable personal property within said town, and also an assessment of all the citizens residing in said town, above the age of twenty-one years, as well as those owning real estate as those not owning such estate within the limits, at least twenty-five cents per head, and the said Assessor or assessors shall forthwith, after making such assessments, deliver to the commissioners for the time being, a duplicate containing the names of all the persons assessed, and the amount of their assessment, distinguishing the real and personal assessment of each. When the assessment is returned the commissioners shall give five days public notice

## OF CITIES AND TOWNS.

of the fact, that they will sit together at a certain place and on a certain day, to be designated by them, from one till four o'clock in the afternoon, to hear appeals from the said assessments. They shall have power on such day to add to or decrease any assessment. When the appeal day is past, they shall without delay, cause the assessment list to be transcribed, and the transcript to be delivered to the Collector, who shall thereupon collect from each taxable his proportion of the tax laid, and pay over the whole amount deducting commissions and delinquencies, (which shall be allowed by the commissioners) to the Treasurer by the first day of October next after the receipt of his duplicate. The Collector shall have the same power for the collection of said taxes as are conferred by law on the collectors of county taxes.

Collector to collect taxes by 1st day of October.

Power of collector.

11. That the commissioners or a majority of them shall have authority to employ, and use the money in the treasury of the town, for the general improvement, benefit and ornament of said town, as they may deem advisable; and all the money paid out by the Treasurer shall be paid upon the order of the commissioners, or a majority of them.

Money, how to be used.

12. That any ordinance for the paving or improving of the sidewalks shall apply only to those persons owning the property fronting upon them, who, and who alone, shall bear the expense of making the pavements, or other improvements ordered. If such ordinance be not complied with within one month, the commissioners may procure the materials and work to be found and done, and collect the expense of the same, on ten days notice by advertisement at three of the most public places in said town, out of the real or personal estate of the person in default, situate in said town. The sale may be made by any person whom the commissioners may depute for that purpose, and, if the proper notice has been given, the sale shall be valid and shall transfer all the title of the person in default in such property to the purchaser, subject to prior liens and encumbrances. The money realized from the sale shall be paid to the Treasurer for the use of the town. The commissioners shall tax and allow the officer making the sale his reasonable costs, and the surplus, if any, shall be paid to the owner of the property sold.

Ordinances for pavements and sidewalks.

When commissioners may do the work.

Money for paving, &c., how collected.

Cots for sale to collect money for paving.

13. That the President and Commissioners for the time being shall have the superintendence and oversight of all the roads and streets now open, or hereafter to be opened, within the limits of said town, and no overseer of any such roads or

Supervision of streets and roads.

## OF CITIES AND TOWNS.

streets shall be appointed by the Levy Court of Kent County; but the said Levy Court shall annually appropriate for the repair of said roads and streets, a sum of money not less than seventy-five dollars; and shall make an order for the payment thereof to the Treasurer of the Town of Cheswold, for the use of said town.

Levy Court  
to appropriate  
money for  
roads and  
streets.

Treasurer  
and col-  
lector to be  
sworn.

Bond.

Treasurer  
to pay  
orders.

Settle an-  
nually.

Compensa-  
tion of trea-  
surer, clerk  
and assessor

14. That the Treasurer and Collector shall be severally sworn or affirmed, to discharge their respective duties with fidelity, such oath or affirmation may be administered by any person authorized by the Laws of this State to administer oaths, or by the President of the Board of Commissioners. They shall also before entering upon the duties of their office, give bond to the Town of Cheswold, with sufficient surety, to be approved by the commissioners of said town, in the penal sum of double the amount of what may be likely to come into their hands, conditioned for the faithful discharge of the duties of their said office, and for the payment to their successor in office of all sums of money belonging to said town, which may remain in their hands upon the settlements of their accounts; to which said bonds and condition there shall be annexed a warrant of attorney for the confession of judgment for said penalty. The said Treasurer shall pay all orders drawn on him by order of said commissioners, and signed by the President thereof, out of any moneys in his hands belonging to said town. He shall settle his accounts with the said commissioners annually in the month of February and after and at such other times as the said commissioners may require. The Treasurer, Clerk, and Assessor of said town shall each receive a reasonable compensation for their services, to be determined by the commissioners of said town; *Provided*, the compensation of the said Treasurer, as such, shall not exceed two per cent. on all moneys received by him belonging to said town, and of the Treasurer acting as Collector, shall not exceed eight per centum on the taxes collected by him.

Alderman  
to be elected

15. That the Town Commissioners, at their first meeting, or as soon thereafter as convenient, shall annually proceed to elect by ballot some suitable person, resident in said town, to be Alderman of the Town of Cheswold, who may or may not be a Justice of the Peace, resident of said town, to serve as such for the term of one year, and till his successor shall be duly elected, subject however to be removed from office at any time, by a vote of two-thirds of all the members of the Board of Town Commissioners. Before entering upon the

## OF CITIES AND TOWNS.

duties of his office, he shall be sworn or affirmed by the President of the Board of Commissioners, or by any one of the commissioners to perform the duties of his office with fidelity. Alderman to be sworn or affirmed.

16. That the commissioners of said town may appoint such number of town constables as shall be deemed necessary, who shall constitute the town police. Constables. The commissioners of said town shall also have power and authority to remove any of the town constables at any time, and appoint others in the place of those removed, if it shall be deemed necessary to make such appointment.

17. That the commissioners shall appoint a Town Clerk, Town clerk. who may or may not be one of their number, who shall keep a record of the proceedings of the commissioners, and the same shall be evidence.

18. That it shall be the duty of the Alderman of said town, and of the town constables, to suppress all riotous, turbulent, disorderly or noisy assemblages, or gatherings of persons in or about any building used for any fair, festival, concert, or any social, literary, or religious meetings, or any entertainment whatsoever, or in the streets, lanes, squares, or alleys of said town, at any time or season whatever; to prevent all gatherings whatever which may obstruct or interfere with the free use of the streets, lanes, alleys or sidewalks; and for this purpose it shall be the duty of any of said constables to seize and arrest any such persons so offending, and carry him or them before the Alderman of said town, whose duty it shall be to hear and determine the case, and upon conviction before him, the Alderman shall sentence any such person so convicted, to pay a fine not exceeding ten dollars, and may commit the party or parties to prison for a period not exceeding thirty days, or until said fine and costs shall be paid. Duty of Alderman. It shall be the duty of the Alderman of said town, upon complaint made before him, of any such riotous, turbulent or noisy assemblages or gatherings as aforesaid, to issue his warrant to any of the constables aforesaid, commanding him to arrest and bring any such person so offending as aforesaid before him for trial. It shall be the duty of the constables aforesaid, or any one of them, to arrest any drunken or disorderly person they may see on the streets of said town, and to take such person so arrested before the Alderman of said town, who shall proceed forthwith to hear and determine the case, and upon conviction before him he shall sentence such person in the same manner



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and to the same punishment provided in this section for the punishment of persons brought before him for the offense in this section first enumerated. If upon view of the person or persons who may be brought before the Alderman of said town for violation of this section, it shall appear to the Alderman that in his judgment such person or persons are not in a condition to be heard or tried, he may use his own discretion in fixing or appointing a time for trial for all such person or persons brought before him for violating this section.

Fee to al-  
dorman and  
constable.

The fee to the Alderman of said town for the trial of any cause under this section shall be fifty cents, and to the Constable making the arrest fifty cents. In case of commitment the Constable shall receive an additional fee of two dollars, and the keeper of the jail shall be entitled to a fee of fifty cents for each commitment, whether by a Constable or by the Alderman of said town, and he shall be entitled to the same pay for board of the person so committed as is allowed by the Levy Court for board of prisoners. In cases not herein provided for, the fees of the Alderman and Constable shall be the same paid to Justices of the Peace and constables in like cases.

Special tax  
to pay for  
right of way

19. The commissioners shall have power to levy a special tax to pay for right of way, charges and costs incidental to the widening, straightening, extending and laying out and opening new streets, lanes or alleys, which shall be collected as other town taxes.

Quorum.

20. Three commissioners shall constitute a quorum to do business, but in determining the necessity or propriety of laying out new streets, when the same may require a special tax, at least three shall concur in favor of doing so. The yeas and nays shall be taken and recorded on the minutes on any vote when required by a member.

Limits of  
the town.

21. The limits of said town of Cheswold shall be as follows: The initial point shall be where a line drawn in an easterly and westerly direction in the middle of the public road leading from Moore's Corner to Leipsic, would intersect a line drawn in a northerly and southerly direction, in the middle of the public road running on the west side of the Delaware Railroad, and parallel therewith. From this initial point, the town shall extend North three hundred and fifty yards, and, from the same point South four hundred and fifty yards; from the same point East three hundred yards; and from the same point West four hundred yards,

## OF CITIES AND TOWNS.

forming a parallelogram, whose east and west sides shall be eight hundred yards long, and whose north and south sides shall be seven hundred yards long, and the commissioners may at any time have the same surveyed, and plotted, and may have said plot recorded in the Recorder's Office of Kent County, and being so recorded, it, or a duly certified copy thereof, shall be evidence of what is therein properly set forth. The said commissioners may also have the streets, lanes, and alleys surveyed and designated upon said plot. The streets as now known and established, are as here stated: The Public Road leading from Moore's Corner to Leipsic, and within the above limits shall be called *Main* street, and is forty feet wide; the public road running along Delaware Railroad, on the west side, within the limits above given, shall be called *Commerce* street, and is thirty feet wide; the street running from Commerce street to West street, shall be called *New* street, and is thirty feet wide; the street running from New street to Main street, shall be called *West* street, and is thirty feet wide.

22. Dr. John M. Smith, J. Herman Anderson, and Albert T. Hoffecker, shall hold the first town election herein provided for, and under their hands shall certify who has been elected. All elections shall be held at the public school house, in the said Town of Cheswold.

Election to  
be held at  
school house

23. The compensation of any person for any act or work done in pursuance of this act, and not otherwise provided for, shall be fixed by the commissioners and paid out of the town funds.

24. The said commissioners shall provide the Alderman with a suitable docket, and the Clerk and Treasurer with suitable books which shall belong to the town, and the said Alderman, and Clerk, and Treasurer shall surrender them in good condition, together with all papers belonging to their respective offices, to their successors, at the expiration of their terms.

Docket for  
alderman.

25. Vacancies in the Board of Commissioners, and all other offices herein provided for, shall be filled by the remaining commissioners, except that should a vacancy or vacancies occur in the office of Judge of Election, such vacancy or vacancies shall be filled by the voters present at the polls within fifteen minutes from the time fixed by law for opening the same.

Vacancies,  
how filled.

## OF CITIES AND TOWNS.

Fines and  
license fees.

26. All fines and license fees shall be paid into the town treasury, for the use of the town, and no shows or exhibitions, except such as the citizens themselves may conduct, for literary, scientific or religious purposes, shall be held within said town, unless specially authorized by said commissioners, and it shall be lawful for said commissioners to charge a fee for any such license or permit.

*Passed at Dover, April 18, 1889.*

## CHAPTER 651.

## OF CITIES AND TOWNS.

AN ACT to amend an act to re-incorporate the Town of Seaford.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Section 2 of  
Chapter 176,  
Volume 17,  
amended.

SECTION 1. That Section 2 of Chapter 176, Volume 17, Laws of Delaware, be and the same is hereby amended by striking out the words "free male" in twenty-eighth line and insert in lieu thereof the words "male or female;" also add after the word "him" in twenty-ninth line the words "or her, provided all such females may vote by proxy."

*Passed at Dover, April 19, 1889.*

## OF CITIES AND TOWNS.

## CHAPTER 652.

## OF CITIES AND TOWNS.

AN ACT to amend an act entitled "An Act to incorporate the Town of Frederica," passed at Dover, March 8th, 1865, and re-incorporated March 26th, 1885.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, two-thirds of each branch concurring therein:*

SECTION 1. That Section 3 of the said act be and the same is hereby amended by striking out all of the remaining part of said section that comes after the words "be duly chosen," on the fourth line, and inserting in lieu thereof the following: "There shall be an election held at the school-house in said town, on the first Monday of March, A. D. 1890, between the hours of 2 o'clock and 4 o'clock P. M. for five commissioners, two of whom shall serve for one year and three for two years, and on the first Monday of March in every year thereafter to elect two or three commissioners, as the requirements may be.

Annual  
election,  
where held.

"All of said commissioners shall be resident freeholders within the limits of said town.

Commis-  
sioners to be  
freeholders.

"The commissioners elected in the year 1891, and every year thereafter, to hold their office for the term of two years; and if any vacancy or vacancies shall occur in said Board of Commissioners by death, resignation, or refusal to serve or otherwise, of any member or members thereof, the remaining commissioners shall have the power to fill such vacancy or vacancies.

Term.

Vacancies,  
how filled.

"The said election shall be held by three persons, chosen by the voters present, who shall receive the ballots, ascertain the result and certify the same on the books of the commissioners.

"At such election, every taxable person present, resident in said town, above the age of twenty-one years shall be entitled to vote; *Provided*, that no married female shall be allowed to vote."

Taxable  
females  
to vote.

Proviso.

SECTION 2. That Section 4 of the said act be and the

## OF CITIES AND TOWNS.

Section 4 amended. same is hereby amended by striking out the word "Saturday" in the third line thereof and inserting the word "Wednesday."

Dogs to be assessed. SECTION 3. That Section 5 be and the same is hereby amended by adding to it, "The commissioners shall have the power to assess dogs at any and all times of the year."

Alderman and bailiff. SECTION 4. That Section 8 be and the same is hereby amended by substituting the following for it: "The Town Alderman and Town Bailiff, shall be appointed by the commissioners for the remainder of the year 1889, and shall be elected in 1890, at the same time as the commissioners, for a term of two years each, and they shall both be residents of said town."

*Passed at Dover, April 19, 1889.*

## CHAPTER 653.

## OF CITIES AND TOWNS.

AN ACT to amend Section 1, of Chapter 402 of Volume 16, of the Laws of Delaware.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring therein):*

Section 1, Chapter 402, Volume 16, amended. SECTION 1. That Section 1, of Chapter 492, of Volume 16, of the Laws of Delaware, be amended by striking out of line five the words "Three Hundred," and by inserting in lieu thereof the following words "Four hundred and fifty (\$450)."

*Passed at Dover, April 25, 1889.*

## OF THE CITY OF WILMINGTON.

## CHAPTER 654.

## OF THE CITY OF WILMINGTON.

AN ACT amendatory of the Charter of the City of Wilmington.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch thereof herein concurring):*

SECTION 1. That Section 18 of an "Act entitled, An Act to revise and consolidate the statutes relating to the City of Wilmington," passed at Dover, April 13, A. D. 1883, be and the same is hereby amended by striking out the sentence: "He shall within ten days after his appointment give bond with sufficient surety or sureties to be approved by the said City Judge in the sum of three thousand dollars, to faithfully execute all the duties of the said office during his continuance therein, and in default of so doing the said City Judge shall proceed to make a new appointment to said office," and by inserting in lieu thereof the words following, that is to say: "He shall before entering upon the duties of his office give bond to the Mayor and Council of Wilmington in the sum of three thousand dollars, with sufficient surety to faithfully execute all the duties of the said office during his continuance therein, such bond to be approved by the City Judge, and should such clerk so appointed fail to give bond as required within ten days from the date of his appointment the City Judge to make a new appointment."

SECTION 2. That Section 47 of the act aforesaid be and the same is hereby amended by striking out of said section the sentence, "Clerk of the Municipal Court, not less than seven hundred and twenty dollars," and by inserting in lieu thereof the words following, that is to say: "Clerk of the Municipal Court, not less than one thousand dollars paid monthly."

SECTION 3. That all acts and parts of acts inconsistent with this act shall be and the same are hereby repealed.

*Passed at Dover, Delaware, March 7, 1889.*

## OF THE CITY OF WILMINGTON.

## CHAPTER 655.

## OF THE CITY OF WILMINGTON.

AN ACT to authorize the sale of certain Real Estate in the City of Wilmington.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch thereof herein concurring):*

SECTION 1. That the Mayor and Council of Wilmington shall have power and authority, and are hereby authorized under an ordinance of Council to be passed with the concurrence of two-thirds of all the members thereof, for all the time being, to sell and convey, in fee simple, all that portion of the real estate belonging to the city lying and being between Du Pont street, Scott street, Eighth street and Ninth street in said city; *Provided, nevertheless*, that all that portion of said real estate now occupied for public school purposes, being 151 feet square, at the southeast corner of Ninth and Scott streets, as well as Howland street, at 50 feet 6 inches wide, running parallel to, and 210 feet south of Ninth street, be and the same are hereby excepted and excluded from the operations and provisions of this act. Such sale may be either for cash or upon a credit to be secured by the bond and mortgage of the purchaser or purchasers, and such real estate may be sold either in the entirety or by parcels, as Council may in such ordinances direct.

Mayor and Council to have power to sell certain real estate.

Proviso.

Proceeds of sale how paid and how expended.

SECTION 2. The proceeds of the sale of said real estate shall be paid to the Commissioner\* of the Sinking Fund of the City of Wilmington, to be by them expended in the purchase or redemption of the bonds of said city, or such proceeds may be expended in making a payment on account of any debt of said city, which will reduce the amount of any loan authorized by law, and such authorized loan shall be reduced accordingly.

SECTION 3. That all acts and parts of acts inconsistent with this act be, and the same are hereby repealed.

*Passed at Dover, Delaware, March 7, 1889.*

\*So enrolled.

OF THE CITY OF WILMINGTON.

CHAPTER 656.

OF THE CITY OF WILMINGTON.

AN ACT to authorize the "Street and Sewer Department" of the City of Wilmington, State of Delaware, to further extend and open Eleventh Street in said city from Madison Street to Adams Street; and Monroe Street in said city from Tenth Street to Delaware Avenue.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring therein), as follows:*

SECTION 1. It shall be lawful for the "Street and Sewer Department" for said City of Wilmington, by a vote of two-thirds of the Board of Directors thereof for the time being, further to extend Eleventh Street, as laid down upon the map, plan, or ground plot of said city from Madison Street to Adams Street.

street and  
Sewer Com-  
mission  
given power  
to extend  
Eleventh  
street.

SECTION 2. It shall be lawful for the "Street and Sewer Department" for said City of Wilmington, by a vote of two-thirds of the Board of Directors thereof for the time being, further to extend Monroe Street as laid down upon the map, plan, or ground plot of said city, from Tenth Street to Delaware Avenue.

Monroe  
street may  
be extended

SECTION 3. All acts or parts of acts inconsistent herewith are hereby repealed.

*Passed at Dover, Delaware, March 13th, 1889.*



## OF THE CITY OF WILMINGTON.

## CHAPTER 657.

## OF THE CITY OF WILMINGTON.

AN ACT to incorporate the "Eighth Street Passenger Railway Company."

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch thereof concurring):*

Commis-  
sioners.

Books to be  
opened.

Commis-  
sioners un-  
til organiz-  
ed may  
receive  
money for  
stock.

Quorum.

Shares to be  
subscribed  
for before  
organiza-  
tion.

SECTION 1. That Alexander J. Hart, Franklin B. Colton, George W. Bush, Edwin H. Gayley, Charles Wesley Weldin, Nathaniel B. Culbert and James H. Hoffecker, Junior, be and they are hereby appointed commissioners to do and perform the several things hereinafter mentioned, to wit: They shall procure and cause to be opened at such time and place, and on such notice as they shall deem proper a suitable book for subscriptions to the capital stock of the "Eighth Street Passenger Railway Company," incorporated by and under this act, and they may permit such persons to subscribe in said book for such number of shares of said capital stock and in such manner as said commissioners shall deem proper. Any of said commissioners may subscribe for and own said stock. They may until the organization of said company receive the money paid for or on account of the amount due for said stock so subscribed for and shall immediately after said company is organized account for and turn over to the officers thereof all the books, papers, moneys, and effects belonging to said company or to which it is entitled. In all things to be done and performed by said commissioners under the provisions hereof a majority of them shall constitute a quorum and have full power to act upon and decide all questions.

SECTION 2. When not less than twelve hundred and fifty shares of said capital stock shall have been subscribed and ten per centum of the par value thereof paid in, the persons so subscribing and paying as aforesaid, and such other persons as shall at any time become stockholders in said company, their successors and assigns, shall be and they are hereby declared to be incorporated by the name, style and title of "Eighth Street Passenger Railway Company," and by that name shall have perpetual succession, and by that name shall have power and capacity to sue and be sued, plead

## OF THE CITY OF WILMINGTON.

and be impleaded, answer and be answered unto, defend and be defended in any and all courts and places whatsoever in this State and elsewhere; in all manner of actions, suits, complaints, pleas, causes, matters and demands whatsoever, and shall have power to purchase, take, own and hold by contract, deed, devise, bequest, gift, assignment, or otherwise howsoever, real and personal estate of every kind, and the same to grant, mortgage, sell, alien, convey and dispose of in such manner, and upon such terms and conditions as said company or its successors shall think proper; to enter into any and all contracts necessary or proper to be made in the conduct of its business, and to declare dividends out of the net profits of said company; to have a common seal; to or-  
Dividends.  
Seal.

SECTION 3. That the object and purpose of this act is to authorize and empower the company hereby created, and said company is hereby authorized and empowered to erect, construct, operate and maintain a street railway within the City of Wilmington for the carriage and conveyance of passengers for compensation; the carriages or cars of said railway to be moved or propelled by horses, by electricity, by cable motor or by any improved motive power other than steam, which said company may in its discretion at any time adopt; the right being hereby given said company to erect, construct, operate and maintain such devices, contrivances and appliances as are necessary to render the said motive power effective in moving or propelling the carriages, cars or other rolling stock of said railway.  
Object of  
corporation

SECTION 4. That the said railway shall be located and constructed along all or such part or parts of the following route as said company shall determine, to wit: beginning at a point on Fourth street at or near the Christiana River, thence along Fourth street and from Fourth street to Eighth street through, over and along any of the intervening streets, thence through, over and along Eighth street to the western limit of the City of Wilmington, with the right and privilege of locating, constructing, operating and continuing or extending said railway from any point or points on Eighth street to Seventh street, thence through, over and along Sev-  
Route of  
railway and  
its location.

## OF THE CITY OF WILMINGTON.

Proviso.

enth street and through, over and along Greenhill Avenue, Woodlawn Avenue, Union street, DuPont street or any other street or avenue leading from Seventh street; *Provided*, said company shall not locate or construct any part of its railway along that part of any street or avenue theretofore occupied by the tracks of either "The Wilmington City Railway Company" or "The Front and Union Railway Company," it being understood that this proviso shall not prevent or hinder the company hereby created from occupying such part of any street or avenue as is not occupied by the tracks of the two other above mentioned companies or either of them; or from crossing any street or avenue theretofore occupied by the tracks of the two other above mentioned companies or either of them.

Amount of street to be occupied.

Company to pave within the rails.

May cross any other railway track.

Capital stock.

The said railway may be laid with either a single or double track, or at any time altered from one to the other, as the directors shall deem expedient, together with all sidings, turn-outs, switches, turntables, poles, wires, cables, chains, contrivances, appliances and connections necessary for the proper working of said railway, and for the purpose of constructing, operating and maintaining the said railway the said company shall have the power to use and occupy so much of any street or avenue within said city, designated as aforesaid, as may be necessary; *Provided*, said railway shall conform to the grades which now are or hereafter may be established for any street or avenue through, over or along which the said railway may be located and constructed; *And provided also*, that said company shall be required to pave within the rails of their tracks and for the distance of three feet on either side thereof; and keep the same in good repair and shall not interfere with the proper and free access to the culverts, water, gas and other pipes for public use in the said city. The said railway may cross any track of any railroad company now incorporated or hereafter to be incorporated whether the same is a steam railway, horse railway or a railway of any other description; *Provided*, that if it crosses said track at grade, it conform to the grade of the track to be crossed; but nothing herein contained shall prevent said company from erecting, constructing, operating and maintaining either over-grade or under-grade crossings where, in the discretion of its directors, it may be deemed advisable.

SECTION 5. That the capital stock of said company shall be one hundred and twenty-five thousand dollars (\$125,000) divided into twenty-five hundred (2500) shares of the par value

## OF THE CITY OF WILMINGTON.

each of fifty dollars (\$50.00) with the privilege of increasing said capital stock by vote of the stockholders at an annual or special meeting or meetings to an amount not exceeding five hundred thousand dollars (\$500,000). If the capital stock shall at any time be increased the stockholders at the time of such increase shall be entitled to subscribe for the same pro rata according to the proportion of shares held by them respectively, unless it be determined to the contrary by a two-thirds vote of said stockholders.

Capital  
stock may  
be increased

SECTION 6. That the business and concerns of said company shall be conducted and managed by a board of nine directors, who shall be elected by the stockholders in said company from among their own number. The first election of directors shall be held as hereinafter provided, and all subsequent elections of directors shall be held at its annual meeting of the stockholders. The directors shall continue in office until the annual meeting of the stockholders next succeeding their election or appointment, and until their successors shall be duly chosen.

Directors.

Next elec-  
tion of  
directors.

Any vacancy in the said Board of Directors occasioned by death, resignation, inability to serve, or otherwise, shall be filled by appointment made by a majority of the whole Board of Directors. The office of a director shall be vacated by his ceasing to be a stockholder. There shall be a President of said company who shall be elected by the Board of Directors from among its members. There shall be a Secretary and Treasurer of said company who shall be elected by said board. The Secretary and Treasurer may or may not be the same person and may or may not be directors or a director, or stockholders or a stockholder as said board may deem proper. The first election of President, Secretary and Treasurer shall be held as hereinafter provided; and all subsequent elections of President, Secretary and Treasurer shall be held at the meeting of the Board of Directors next succeeding the annual meeting of the stockholders in each year, except as hereinafter provided to the contrary. The President, Secretary and Treasurer shall continue in office until their successors shall be duly chosen. Any vacancy in the office of President, Secretary or Treasurer occasioned by death, resignation, inability to serve, or otherwise, shall be filled by appointment made by a majority of the whole Board of Directors. The President, Secretary and Treasurer shall respectively perform such duties and receive such compensation as shall be assigned to and provided for them by the Board of Directors. No

Vacancies,  
how filled.

President  
of board.

Secretary  
and treas-  
urer.

First elec-  
tion of  
president,  
secretary  
and treas-  
urer.

Vacancies  
in office of  
president,  
Sec., how  
filled.

Compensa-  
tion.

## OF THE CITY OF WILMINGTON.

Quorum of  
board of  
directors.

officer of said company who shall be a director shall vote upon any question touching the compensation to be received by him as such officer. A majority of the Board of Directors shall constitute a quorum for the transaction of all business. The Board of Directors shall have power to employ, compensate and discharge such other officers, agents or servants as it shall deem for the welfare of said company, and to secure the due and faithful performance of duty by any of the officers, agents or servants of such company by bond with surety or otherwise as shall be provided in the by-laws.

First meet-  
ing of stock-  
holders to  
be held in  
Wilmington.

Notices of  
election to  
be adver-  
tised in  
newspapers.

SECTION 7. That as soon as conveniently may be after twelve hundred and fifty shares of the capital stock of said company shall be subscribed and ten per cent of the par value thereof paid in, the said commissioners shall call a meeting of the persons so subscribing and paying as aforesaid, for the purpose of organizing said company by the election of a Board of Directors and the adoption of by-laws. Said meeting shall be held in the City of Wilmington at such place and time as said commissioners shall deem proper, after at least five days' notice thereof given by said commissioners by publication in a newspaper published in said city, stating the purpose and the day, hour and place of said meeting. At said meeting a Board of Directors shall be elected by ballot who shall continue in office as hereinbefore provided. A majority of all the votes cast shall be necessary to elect. Each of said subscribers whether present at or absent from said meeting may in person if present, or by proxy if absent, cast at said election or upon the question of the adoption of any by-law or by-laws one vote for each share of said capital stock of said company, subscribed for by him or her, and upon which the said ten per centum and all calls or assessments, if any, due at the time of voting have been paid by said subscriber.

Judges of  
election.

Said commissioners or any two of them shall act as judges of said election. At said meeting said subscribers shall adopt by-laws for the regulation and government of said company by a majority of all the votes cast. On the day and at the place of said meeting and as soon as conveniently may be after its adjournment the Board of Directors so elected shall hold its first meeting and shall then and there elect a President, Secretary and Treasurer of said company; adopt a common seal, provide for the opening of proper stock books, transfer books and other books of account and the issuance of certificates of stock pursuant to the provisions of the by-laws;

Seal.

## OF THE CITY OF WILMINGTON.

and transact such other business as shall be brought before said board. Shares of the capital stock may be forfeited for non-payment of any call or assessment pursuant to the provisions of the by-laws. Shares of stock may be forfeited.

SECTION 8. There shall be an annual meeting of the stockholders of said company which shall be held in the City of Wilmington on the first Tuesday of March in each and every year for the purpose of electing a Board of Directors of said company and transacting such other business as shall properly be brought before them. Notice shall be given of said annual meeting pursuant to the provisions of the by-laws. All elections shall be subject to the regulations prescribed in the by-laws. Special meetings of the stockholders may from time to time be called and held pursuant to the provisions of the by-laws. At all stockholders' meetings each stockholder shall be entitled to one vote for each share of stock he or she shall hold, and absent stockholders may, pursuant to the provisions of the by-laws, vote by proxy. At any stockholder's meeting whether special or annual, subject to the provisions of the by-laws, any by-law or by-laws may be altered, amended, or repealed, or any new by-law or by-laws adopted, by a majority of all the votes cast, *Provided*, that notice of the intention to alter, amend or repeal such by-law or by-laws or to adopt such proposed new by-law or by-laws be given in the call for said stockholder's meeting at least thirty days prior thereto and that the proposed change in said by-laws be fully set forth in said call. The holders of a majority of all the capital stock, theretofore issued present in person or by proxy shall constitute a quorum for the transaction of all business at any annual or special meeting of the stockholders. There shall be an annual meeting of the Board of Directors for the purpose of electing a President, Secretary and Treasurer of said company and transacting all such other business as shall be brought before said board, which said annual meeting shall be held on the day and at the place of the annual meeting of the stockholders as soon as conveniently may be after the adjournment of said stockholder's meeting. Special meetings of the Board of Directors may from time to time be called and held pursuant to the provisions of the by-laws. Annual meeting.  
Notice of annual meeting.  
Special meeting of stockholders.  
By-laws may be altered or amended.  
The holders of a majority of stock to constitute a quorum.

SECTION 9. That all certificates of the capital stock of said company shall be sealed with the common seal and signed and countersigned respectively by the President and Certificates of stock to be sealed with common seal.

## OF THE CITY OF WILMINGTON.

Shares of  
capital  
stock to be  
transferable

Secretary of said company. The form of such certificates shall be prescribed in the by-laws. The capital stock shall be issued and transferable by the holder or holders thereof at his or their pleasure, in person or by attorney, on the books of said company pursuant to the provisions of the by-laws.

Dividends.

SECTION 10. That the Board of Directors of said company shall from time to time, as shall be provided in the by-laws, make and declare dividends of the net profits of the business of said company, or of such portion of such profits, as said board shall deem proper.

Failure to  
elect di-  
rectors not  
to dissolve  
corporation

SECTION 11. That if at any time there shall be a failure to elect a Board of Directors or any of the officers of said company pursuant to the provisions of this act, said company shall not for that cause be deemed to be dissolved; but in case of a failure to elect a Board of Directors the holding-over board shall continue in office until their successors shall be elected pursuant to the provisions hereof, at a subsequent annual meeting of the stockholders; and in case of a failure by the Board of Directors to elect the officers or any of the officers of said company, said board shall at a special meeting to be called and held for that purpose as soon as conveniently may be pursuant to the provisions of the by-laws, elect such officers or officer as will supply the omission.

Land may  
be con-  
demned for  
purposes of  
corporation.

Judge to  
appoint  
commis-  
sioners.

Commis-  
sioners to  
be sworn.

SECTION 12. Whenever it shall be deemed by the directors necessary to enter upon and occupy any lands, tenements or hereditaments for the use of said corporation if the owner or owners of such land, tenements or hereditaments be not known, or be under the age of twenty-one years, or if the directors and such owner or owners cannot agree upon the compensation to be made therefor, the Superior Court for New Castle County in term time, or any Judge of the same in vacation, shall upon application by the company, appoint five commissioners (who shall be freeholders) to go upon the premises, first giving notice of the time and place of their meeting to the President of the company and to the owner or owners of the premises, if residing within the county, otherwise such notice shall be given to the tenant in possession or agent in charge of the premises. The commissioners being sworn or affirmed to perform their duties with fidelity, shall assess fairly and impartially the damages of such owner or owners to be sustained by the premises being taken for the use of the company, taking into consideration all the advantages to be derived to the owner or owners by reason of said

## OF THE CITY OF WILMINGTON.

railway, and shall certify their proceedings with their assessment, under their \* hands and seals of a majority of them to the company; whereupon the said company, upon recording the same in the office for recording deeds in and for New Castle County, and paying to the owner or owners of the premises the damages assessed as aforesaid, or depositing the same to the credit of such owner or owners in the Farmers' Bank of the State of Delaware at Wilmington shall become entitled to hold, use, occupy and enjoy the said premises, exclusively to it, its successors and assigns forever; *Provided*, that either party being dissatisfied with the damages so assessed, may on application to the Prothonotary of New Castle County, within sixty days after such assessment shall have been recorded as aforesaid sue out a writ of *ad quod damnum* requiring the sheriff of said county in the usual form to inquire, by twelve impartial men of his bailiwick, under oath or affirmation, of the damages aforesaid. The assessment of the jury duly made and returned by the sheriff shall be final.

Report and  
award of  
commissioners  
to be recorded

Writ of *ad  
quod dam-  
num*, may  
sue out.

If increased damages are found by the jury the increased amount shall be paid or deposited by the company as before provided, and if the damages be reduced the owner shall refund the amount diminished. The costs of the inquisition shall be paid by the unsuccessful party. The fee of a commissioner shall be one dollar per day to be paid by the company, and of a juror one dollar and fifty cents. The work of said company shall not be delayed by such application for a writ of *ad quod damnum* but upon payment or deposit as hereinbefore provided of the damages awarded by the commissioners, the title to the company to enter upon, use, occupy and enjoy the premises inquired of and to hold the same to it, its successors and assigns, shall become vested and perfect. Should a commissioner appointed under this section die or become incapable of acting before the commission is executed any Judge of the Superior Court may fill the vacancy.

In case of  
appeal who  
to pay costs.

Fee of com-  
missioner.

Judge of  
Superior  
Court to fill  
vacancies in  
commission

SECTION 13. If any person or persons shall wilfully damage or obstruct the said railway or any part thereof, or hinder or delay the building of the same, or hinder or delay the passage of cars over the same, or damage any of the works or property of said company, such person or persons shall be liable to the company in a civil action for double the damages sustained, and shall moreover be guilty of a misde-

Penalty for  
damaging  
railway.

\*So enrolled.



## OF THE CITY OF WILMINGTON.

meanor, and on indictment and conviction thereof shall be fined not exceeding three hundred dollars at the discretion of the court.

Public act.

SECTION 14. That this act shall be deemed and taken to be a public act and shall be published with the other public acts passed at this session of the Legislature, and the power to amend, alter or revoke the same is hereby reserved to the Legislature.

Street railway to be subject to Street and Sewer Department.

SECTION 15. That in the erection, construction, operation and maintenance of said street railway the said company shall be subject to the ordinances, rules and regulations of the Street and Sewer Department of said City of Wilmington, so far as the same relate to the streets of said city.

*Passed at Dover, Delaware, April 1, 1889.*

## CHAPTER 658.

## OF THE CITY OF WILMINGTON.

A SUPPLEMENT to Chapter 147 of Volume 11 of the Laws of Delaware.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring herein):*

West Dock street as the same extends from Maryland Avenue to P. W. & B. Railroad vacated.

SECTION 1. That West Dock street, sometimes called Dock street, as now or at any time heretofore laid down on the map or plan of the City of Wilmington, so far as the same extends from the southeasterly side of Maryland Avenue eastwardly to the Philadelphia, Wilmington and Baltimore Railroad, be and the same is hereby vacated; and all provisions of law or of the ordinances of said city, so far as the same are inconsistent with this act, are hereby repealed.

*Passed at Dover, April 11, 1889.*

## OF THE CITY OF WILMINGTON.

## CHAPTER 659.

## OF THE CITY OF WILMINGTON.

AN ACT to amend Chapter 188 of Volume 18 of the Laws of Delaware.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring herein):*

SECTION 1. That the act entitled "An Act in relation to the Streets and Sewers of the City of Wilmington," passed at Dover, April 20, 1887, being Chapter 188 of Volume 18 of the Laws of Delaware, be and the same is hereby amended as follows, to wit: By striking out the words and figures "eighty-five thousand dollars (\$85,000) for the fiscal year, one thousand and eight hundred and eighty-seven and eighty-eight (1887-8)," in the fifty-seventh, fifty-eighth and fifty-ninth lines of Section 5, and inserting in lieu thereof the words "one hundred and twenty thousand dollars (\$120,000) for the fiscal year one thousand eight hundred and eighty-nine and ninety (1889-1890)." By striking out the words "twice published in each of two daily papers of said city" in the twenty-second and twenty-third lines of Section 11 and inserting in lieu thereof the words "printed in pamphlet form."

Chap. 188,  
Vol. 18, Del-  
aware Laws,  
amended.

Eighty-five  
thousand  
stricken out  
and one  
hundred  
and twenty  
thousand  
substituted.

Printed in  
pamphlet  
form.

*Passed at Dover, April 19, 1889.*

## CHAPTER 660.

## OF THE CITY OF WILMINGTON.

AN ACT to amend Chapter 207 of Volume 17 of the Laws of Delaware.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch of the Legislature concurring herein):*

SECTION 1. That the act entitled "An Act to revise and consolidate the statutes relating to the City of Wilmington," passed at Dover, April 13, 1883, being Chapter 207 of Volume

Chap. 207,  
Volume 17,  
Laws of  
Delaware,  
amended.

## OF THE CITY OF WILMINGTON.

17 of the Laws of Delaware, be and the same is hereby amended as follows, to wit:

By striking out the words "two members" in the second line of Section 3, and inserting in lieu thereof the words "one member," and by striking out the period at the end of Section 3, and inserting in lieu thereof a colon, with the following words added: *Provided however*, that until and including the thirtieth day of June A. D. eighteen hundred and ninety the Council shall be composed of two members from each ward as hereinafter provided."

One mem-  
ber for each  
ward.

Proviso.

By striking out all that portion of Section 5 following the word "fidelity" in the sixth line thereof, and inserting in lieu of the portion so stricken out the words, "Such oath or affirmation may be administered by the City Judge or by any officer authorized under the Laws of this State to administer oaths or affirmations."

City Judge  
or any  
officer may  
administer  
oaths.

Section 6,  
amended.

By striking out the figures "1885" in the second line of Section 6, and inserting in lieu thereof the figures "1891."

By striking out the word "third" in the third line of Section 6, and inserting in lieu thereof the word "second," and by striking out the word "three" in the sixth line of said section and inserting in lieu thereof the word "two."

By striking out the whole of Section 29, and inserting in lieu thereof the following, to wit:

Section 29  
stricken out

Who shall  
compose  
Council  
after July  
1890.

Terms of  
members  
elected in  
1888 ex-  
tended.

After June  
30, 1891, one  
member for  
each ward.

Term of  
President of  
Council  
extended.

"SECTION 29. On and after the first day of July A. D. eighteen hundred and ninety, the Council shall consist of a President of Council and twelve members. The terms of office of those members of Council elected on the first Saturday in June A. D. eighteen hundred and eighty-eight, are hereby extended until and including the thirtieth day of June A. D. eighteen hundred and ninety, during which said last mentioned year there shall be no city election, and the offices of members of Council whose terms in that year expire shall not be thereafter filled, but there shall from and after the said thirtieth day of June, A. D. eighteen hundred and ninety be one member of Council from each ward instead of two as theretofore. The term of the present President of Council is hereby extended until the first day of July A. D. eighteen hundred and ninety-one, and he together with the members of Council elected on the first Saturday in June A. D. eighteen hundred and eighty-nine shall from and including the

## OF THE CITY OF WILMINGTON.

first day of July A. D. eighteen hundred and ninety to the first day of July A. D. eighteen hundred and ninety-one, constitute the said Council. The first city election after the city election in June A. D. eighteen hundred and eighty-nine shall be held on the first Saturday in June A. D. eighteen hundred and ninety-one, at which said election a President of Council and twelve members shall be elected for the term of two years commencing on the first day of July next ensuing said election, and said elections shall be held biennially thereafter on the first Saturday in June. The President of Council shall be the presiding officer and a member of said Council and shall be elected from the city at large by a plurality of all the votes cast in the several election districts. One member of Council shall be elected from each ward by a plurality of all the votes cast therein. The above provisions shall be taken and construed to be subject to the provisions of Section 11 preceding."

President of Council and 12 members to be elected in June, 1891.

President of Council to be presiding officer and elected from city at large. Plurality of votes to elect.

By striking out the words "annually on the Tuesday evening next ensuing the annual city election" in the second and third lines of Section 30, and inserting in lieu thereof the following, to wit: "On the first day of July next ensuing the city election or if that day falls on a Sunday, then on the Monday following."

Section 30 amended.

By striking out the word "twelve" in the twelfth line of Section 30, and inserting in lieu thereof the following, to wit: "On and after the first day of July A. D. eighteen hundred and ninety, seven members shall constitute a quorum to do all business; but until said last mentioned date, twelve."

Quorum.

By striking out Section 32 of said act as supplied by Chapter 193 of Volume 18 of the Laws of Delaware and substituting in lieu thereof the following, to wit:

Section 32 as supplied by Chapter 183, Vol. 18, stricken out and the following substituted.

"SECTION 32. At the city election to be held on the first Saturday in June A. D. eighteen hundred and ninety-one and on the same day in every second year thereafter, the voters in the respective election districts shall vote for a City Treasurer who shall be elected by a plurality of all the votes cast in the several election districts. The City Treasurer shall hold office for the term of two years commencing on the first day of July next succeeding his election."

City Treasurer to be elected in 1891 by a plurality of votes. To hold office for two years.

By striking out the whole of Section 37 and inserting in lieu thereof the following, to wit:

Section 37 stricken out and the following substituted.

"SECTION 37. At the third stated meeting in July, A. D.

## OF THE CITY OF WILMINGTON.

Council to elect City Auditor in 1890. eighteen hundred and ninety, Council shall elect a person to discharge the duties of City Auditor, who shall hold office until his successor is duly elected and qualified as hereinafter provided. The said Council shall at its third stated meeting in July, A. D. eighteen hundred and ninety-one, and at said third stated meeting biennially thereafter elect a person to discharge the duties of City Auditor aforesaid. The term of office of said City Auditor shall commence on the first day of August next ensuing his election and he shall continue to hold office until his successor be duly qualified. The present City Auditor shall hold office until the first day of August, A. D. eighteen hundred and ninety."

Section 40 stricken out and the following substituted: By striking out the whole of Section 40 and inserting in lieu thereof the following, to wit:

City Solicitor to be elected by Council in 1890. "SECTION 40. The term of office of the City Solicitor to be elected by Council at the third stated meeting in June, A. D. eighteen hundred and ninety, shall expire on the first day of July, A. D. eighteen hundred and ninety-one. At the city election in June, A. D. eighteen hundred and ninety-one, and at each succeeding city election a City Solicitor shall be elected from the city at large by a plurality of all the votes cast in the several election districts. The City Solicitor shall hold office for the term of two years commencing on the first day of July succeeding his election. The person so elected City Solicitor must be an attorney and counsellor in the Superior Court of this State who shall have been admitted to practice therein at least five years prior to his election, and shall also be a solicitor in the Court of Chancery."

Must have practiced law five years.

Section 17 amended. By inserting between the words "Council" and "The" in the twenty-eighth and twenty-ninth lines, respectively of Section 47 the following, to wit:

Proviso. "Provided however, that no member of Council shall receive as compensation for his attendance and services in any one month a greater sum than twenty dollars; but this proviso shall not apply to or affect the extra salary of the President of Council as such, or the extra salary or allowance of the Chairman of the Finance Committee of Council, or of the Chairman of the Public Buildings Committee of Council as such, or the extra salary or allowance of the President of Council, or the Chairman of said Finance Committee for their services as members of the Board of Assessment, Revision and Appeals."

Pay of Council.

## OF THE CITY OF WILMINGTON.

By striking out the figures "1883" and the word "third" in the second line of Section 77 and inserting in lieu thereof respectively the figures "1889" and the word "second," and by striking out the word "three" in the fourth line of said section and inserting in lieu thereof the word "two."

Section 77  
amended.

*Passed at Dover, April 19, 1889.*

## CHAPTER 661.

## OF THE CITY OF WILMINGTON.

AN ACT to prevent bogus sales within the City of Wilmington.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. It shall not be lawful for any person engaged in the sale of any goods, wares or merchandise, within the corporate limits of the City of Wilmington to publicly and falsely, and with intent to deceive the general buying public, advertise or otherwise represent that such goods, wares or merchandise are or were either in whole or part the property of any insolvent or bankrupt or the assignee of any insolvent or bankrupt, or that such goods, wares or merchandise were either in whole or in part damaged by fire or accident of any kind. Any person offending against the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction shall forfeit and pay a fine of one hundred dollars. Upon the trial of any person for a violation of the provisions of this section the intent to deceive the general buying public shall be presumed where proof is made of a public and false advertisement or representation aforesaid.

Unlawful to  
falsely ad-  
vertise  
goods for  
sale in Wil-  
mington.

Penalty.

*Passed at Dover, April 23, 1889.*

## OF THE CITY OF WILMINGTON.

## CHAPTER 662.

## OF THE CITY OF WILMINGTON.

AN ACT to amend an act entitled "An Act to establish a Board of Water Commissioners for the City of Wilmington, and for other purposes," passed at Dover, April 18th, 1883.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch herein concurring):*

Section 11  
of Chapter  
205, Vol. 17,  
amended.

Excess of  
funds to be  
paid to City  
Council.

Money to be  
expended  
first for re-  
demption of  
water bonds.

Secondly  
for redemp-  
tion of any  
other city  
bonds.

When in-  
terest ceases  
on water  
bonds.

SECTION 1. That Section 14 of the act entitled "An Act to establish a Board of Water Commissioners for the City of Wilmington, and for other purposes," passed at Dover, April 18th, 1883, be and the same is hereby amended by striking out of said section the words "Shall be set apart by the said board, and solely appropriated to and for the principal and interest of the Water Bonds, and shall be applied solely to that purpose, until the whole of said bonds be fully paid," where the aforesaid words occur in said section, and by substituting in lieu thereof the words following, to wit: Shall be paid by said board, at the end of its fiscal year, to the Council of the City of Wilmington, to be by said Council applied:

*First,* To the redemption of any Water Bonds falling due within the year following, and unprovided for as to payment by the terms of the act entitled "An Act to provide a Sinking Fund for the payment of the City Debt of Wilmington," passed at Dover, February 9, 1855, and the various supplements and amendments thereto.

*Second,* To the redemption of any other bonds of the city falling due in any one of said years, and unprovided for as to payment, by the terms of the Sinking Fund acts aforesaid, or any of its various amendments or supplements.

SECTION 2. That when the said Board of Water Commissioners shall have paid over to the Council any excess of its income, as provided for in Section 1 of this act, the interest on a corresponding amount of the unpaid Water Bonds of the said city shall, as far as the said Board of Water Commissioners are concerned, cease and determine as to payment,

## OF THE CITY OF WILMINGTON.

and the payment of such interest shall be assumed and provided for by said Council.

SECTION 3. That all acts or parts of acts inconsistent with this act, be and the same are hereby repealed.

*Passed at Dover, April 23, 1889.*

## CHAPTER 663.

## OF THE CITY OF WILMINGTON.

AN ACT to further amend an act entitled, "An Act to revise and consolidate the Statutes relating to the City of Wilmington," passed at Dover, April 13, 1883.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch herein concurring):*

SECTION I. That Section 121 of the act aforesaid, be, and the same is hereby amended as follows, to wit: Strike out the words "Council and City Council" wherever they occur in said section and insert in lieu thereof the words "Street and Sewer Department;" insert between the words "paving" and "of" in the second line of said section the words "and repairing;" insert between the words "the mode of paving" and the word "footways," in the 8th line of said section, the words "or repairing;" further amend said section by adding at the end thereof the words following, to wit: "The Street and Sewer Department may, however, at its option, pave or repair any footway of the city, and the expense of paving or repairing the same shall be assessed against the premises fronting on said footways, and shall constitute a lien against such premises."

The method of assessment and such proceedings as may be had thereon, shall be the same, as far as may be, as now provided by law in regard to paving and curbing footways in Section 119 of this act. The owner of any premises fronting upon any footways, shall be solely responsible for any damage that may result to persons or property by reason of any hole, excavation or obstruction in or upon such footways,

Section 121,  
of Chapter  
217, Vol. 17,  
amended.

Sewer department  
may pave  
or repair  
footways.

Costs to  
constitute a  
lien on  
property.

Method of  
assessing  
damages to  
be same as  
now provided  
by law.

Owner of  
property responsible  
for damages



## OF THE CITY OF WILMINGTON.

Proviso. or from any defective condition of such footways, *Provided however*, That such hole, excavation or obstruction or other defective condition of the footways aforesaid is not caused by the city or any of its authorized agents.

Section 122 amended.

The words "Street Commissioner" stricken out and chief engineer of the Surveying Department substituted.

Word "Council" stricken out and "Street and Sewer Department" inserted.

Expenses, how defrayed.

SECTION II. That Section 122 of the act entitled, "An Act to revise and consolidate the statutes relating to the City of Wilmington," aforesaid, be and the same is hereby amended as follows, to wit: Strike out the words "Street Commissioner" wherever the same occurs in said section and insert in lieu thereof the words "Chief Engineer of the Surveying Department;" strike out the word "Council" wherever the same occurs in said section and insert in lieu thereof the words "Street and Sewer Department;" strike out the words "but the expense of the same shall be defrayed by the city" at the end of said section and insert in lieu thereof the words following, to wit: "in consequence of such change or error, but the same shall be defrayed by the Street and Sewer Department."

Privy, vault or cesspool.

Penalty for violating this act how recoverable

SECTION III. It shall not be lawful for the owner, tenant or occupant of any premises fronting on any street having sewer accommodations to excavate or dig any privy vault or cesspool in or upon such premises or to permit or suffer the same to be dug or excavated without first having obtained the consent of the Street and Sewer Department therefor, which consent shall be expressed upon the minutes of the Department and shall stipulate that any such privy vault or cesspool shall be property connected with and drained by means of such sewer accommodations. Any owner, tenant or occupant of any such premises who shall excavate or dig or cause or suffer to be excavated or dug any privy vault or cesspool contrary to the provisions of this section shall forfeit and pay for each any every offense the sum of twenty-five dollars (\$25) and the further sum of ten dollars (\$10) for each and every day such privy vault or cesspool is permitted to exist. The penalties provided for in this section shall be recoverable before the Municipal Court for the City of Wilmington and be paid to the use of the city.

SECTION IV. That all acts and parts of acts inconsistent with this act are hereby repealed.

*Passed at Dover, April 24, A. D. 1889.*

## OF THE CITY OF WILMINGTON.

## CHAPTER 664.

## OF THE CITY OF WILMINGTON.

AN ACT for the more efficient drainage of the City of Wilmington.

WHEREAS, At the time of making the estimates of the <sup>Preamble.</sup> general appropriation ordinance for the fiscal year 1889-89, among other things the sum of \$72,000.00 was estimated for redemption of city loans falling due the first of April, 1889, and said appropriation ordinance was passed, appropriating \$72,000.00 for redemption of city loans as aforesaid among other items and heads of appropriation, and the tax rate necessary to raise revenue necessary for the expenses of the city government for the said fiscal year was fixed with reference to the said and other items or heads of appropriation in the said general appropriation ordinance contained;

AND WHEREAS, After the passage of the said general appropriation ordinance as aforesaid, it was discovered that the appropriation of \$72,000.00 for the redemption of the loans aforesaid out of the current taxation for the year aforesaid, could not be legally applied to the redemption of the said loans; but that said loans were only redeemable out of the proceeds of Sinking Fund bonds issued in conformity with "An Act to provide a sinking fund for the payment of the city debt of Wilmington," passed at Dover, February 9th, 1855, and the various amendments and supplements thereto, whereby there will remain at the end of the said fiscal year a large surplus in the City Treasury, which could not properly be applied under any item or head of appropriation;

AND WHEREAS, There is great need for the construction of an intercepting sewer, beginning at or near the intersection of Riddle's Road and Shallcross Avenue, and extending nearly parallel to and south of South Long Race and the Brandywine River, to a point at or near Sixteenth and Poplar streets, where it is proposed that the said sewer shall empty into the river aforesaid, together with all necessary branches;

AND WHEREAS, A plan of said sewer and the branches thereof, has been prepared under the direction of the Street

## OF THE CITY OF WILMINGTON.

and Sewer Department, and the proper estimates of the cost thereof have been duly made;

*Now, therefore, Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, two-thirds of each branch thereof herein concurring:*

Sewer department to construct intercepting sewer.

Location,

Cost of sewer.

City Council to pay to Board of Directors \$50,000.

Money to be placed on special deposit by Board of Directors.

Money how drawn and endorsed.

Additional money to be raised by City Council

SECTION 1. That the Board of Directors of the Street and Sewer Department of the City of Wilmington, is hereby authorized and empowered to construct an intercepting sewer, commencing at a point at or near the intersection of Riddle's Road and Shallcross Avenue in the City of Wilmington, and extending thence south of the South Long Race and Brandywine River to a point at or near Sixteenth and Poplar streets, where said sewer shall empty into the Brandywine River together with such necessary branches and connections thereto, as the said Board of Directors may deem necessary. The cost of constructing such sewer with the necessary branches and connections thereto, shall not exceed the sum of \$100,000 dollars,\* and the work of construction thereof shall commence on or before the first day of June, A. D. 1889.

SECTION 2. The Council is hereby authorized and directed to cause to be paid to the said Board of Directors out of the current receipts from taxation for the fiscal year 1888-89, the sum of \$50,000.00, on or before the first day of May next ensuing; such sum so paid shall be applied towards the payment for the constructing of the intercepting sewer, with its branches and connections as aforesaid, and shall be placed on special deposit by the said Board of Directors, and all orders or warrants for the payment of money drawn against such fund shall have specified thereon, the words, "Intercepting Sewer," and no warrant or order for the payment of money shall be drawn against such fund, except such order or warrant is for payment for work done in the construction of such sewer, or the necessary branches and the connections thereof.

SECTION 3. In addition to the sum of \$50,000.00 hereinbefore authorized to be paid, the Council shall, at the time of making the estimates for the general appropriation ordinance for the fiscal years 1890-91 and 1891-92, include such sums as may be found necessary to further construct and complete said intercepting sewer, with the necessary branches and connections, not exceeding in the aggregate of both fiscal years the sum of \$50,000.00 dollars,\* and shall proceed to raise the same by taxation, and shall pay over such sum to the said

\*So enrolled.

## OF THE CITY OF WILMINGTON.

Board of Directors, when they shall be thereunto requested. Such sums shall be deposited in the same manner as is provided in Section 2, with reference to the said sum of \$50,000.00, and be subject to the same provisions and conditions. Additional money, how deposited.

SECTION 4. The said Board of Directors shall have power to acquire in the corporate name of the City of Wilmington all lands, premises and buildings which may be found to be necessary in securing the right of way for said intercepting sewer, with its branches and connections, by condemnation proceedings, or otherwise. Any condemnation proceedings which may be found to be necessary in acquiring the right of way for said sewer or its branches and connections, shall be similar to the mode now provided by law, with reference to the condemnation of land for the purpose of extending, opening, laying out or widening streets within the said city. Lands to be acquired in the name of the city by Board of Directors. Condemnation proceedings how proceeded with.

*Passed at Dover, April 25, 1889.*

## CHAPTER 665.

## OF THE CITY OF WILMINGTON.

A SUPPLEMENT to an act to revise and consolidate the Statutes relating to Wilmington, passed at Dover, April 13, 1883.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch thereof concurring therein):*

SECTION I. The Council of the City of Wilmington to provide for the health of the citizens of said city shall have power, and it is hereby authorized and directed, by ordinance or ordinances, to adopt and promulgate suitable rules and regulations for the construction of house drainage and cess-pools, and to provide for the registration of plumbers and persons engaged in the plumbing business in said city, and for the enforcement of such rules and regulations; to make provision for the punishment of persons who shall refuse or neglect to comply with the same. Council directed to adopt rules for the construction of house drainage.

## OF THE CITY OF WILMINGTON.

System of  
inspection.

SECTION II. The said Council shall by ordinance also establish a system of inspection and supervision over all house drainage and cess-pools and ventilation of the same, and appoint such inspector as may be necessary, at such compensation as may be approved by said Council and make provision for payment of the same.

*Passed at Dover, April 25th, A. D. 1889.*

## CHAPTER 666.

## OF THE CITY OF WILMINGTON.

AN ACT to extend the right to vote for members of the "Board of Public Education in Wilmington."

*Be it enacted by the Senate and House of Representatives \* in General Assembly met (two-thirds of each branch of the Legislature concurring herein):*

Women  
that are  
freeholders  
given the  
right to vote  
at school  
elections.

Eligible for  
member-  
ship in  
school  
board.

SECTION I. That from and after the passage of this act, the right to vote for members of "The Board of Public Education in Wilmington" shall be extended to every female inhabitant of said city, who is of the age of twenty-one years, and upwards, and has resided within said city for three months next preceding the election for said members, and in the ward where she offers to vote, for at least one month next preceding said election. She shall also be a *bona fide* freeholder within said city, and shall have been assessed for and paid a school tax for the City of Wilmington for the preceding year. Every female inhabitant of said city, possessing the requirements above specified, shall be qualified to vote at all elections for members of said board, and shall also be eligible for membership in said board from the ward in which she lives.

SECTION 2. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

*Passed at Dover, April 26, 1889.*

\*So enrolled.

## OF THE CITY OF WILMINGTON.

## CHAPTER 667.

## OF THE CITY OF WILMINGTON.

AN ACT vacating certain lands in the City of Wilmington.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch thereof concurring herein):*

SECTION I. That all that part of Christiana Avenue or G street which was conveyed to The Mayor and Council of Wilmington by Lucas Alrich and Mary M., his wife, by deed of indenture bearing date July 26th, 1871, and recorded in the Recorder's Office at Wilmington, in and for New Castle County, in Deed Record Q, Vol. 9, page 407, &c. (and which said covenants was made for public use as a part of the bed of Christiana Avenue or G street as a public highway forever), be and the same is hereby vacated as a public highway and for any public purpose whatsoever.

SECTION II. That the Mayor and Council of Wilmington is hereby authorized and directed through its proper officers to make, execute and deliver such deed or deeds or other assurances in the law as may be found to be necessary for the carrying into effect of the intents and purposes of this act and that Chapter 189, Volume 18 of the Laws of Delaware, so far as the same relates to said City of Wilmington be and the same is hereby repealed and rendered void.

*Passed at Dover, April 26, 1889.*

Part of G street vacated.

Mayor and Council authorized to execute all papers necessary to carry act into effect.  
Chap. 189, Vol. 18, so far as relating to city repealed.

## OF THE CITY OF WILMINGTON.

## CHAPTER 668.

## OF THE CITY OF WILMINGTON.

AN ACT to amend Chapter 194 of Volume 18 of the Laws of Delaware.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring herein):*

Chap. 194,  
Volume 18,  
Delaware  
Laws  
amended.

SECTION 1. That the act entitled "An Act to amend An Act to revise and consolidate the Statutes relating to the City of Wilmington," passed at Dover, April 21, 1887, being Chapter 194 of Volume 18 of the Laws of Delaware, be and the same is hereby amended as follows, to wit:

City elec-  
tion opened  
at 11 o'clock  
a. m. and  
closed at 7  
o'clock p. m.

By adding at the end of Section 2 the following words: "Each city election shall be opened between the hours of eleven o'clock in the forenoon and twelve o'clock noon, and continue open until seven o'clock in the afternoon, when the same shall be closed."

Elections  
biennial.

By striking out the word "annual" in the seventh line of Section 3, and inserting in lieu thereof the word "biennial."

By striking out the word "annual" in the second line of Section 6, and inserting in lieu thereof the word "biennial."

Terms of  
officers  
extended.

By striking\* all that portion of Section 7 after the word "Wilmington" in the fourth line thereof and before the word "no" in the twenty-fourth line thereof, and inserting in lieu of the portion so stricken out the following "the terms of office of the said Andrew G. Wilson, Alexander J. Hart and George S. Capelle, the present members of the said department, are hereby respectively extended until the times following, to wit: The term of the said Andrew G. Wilson until the first day of August A. D. eighteen hundred and ninety-five; the term of the said Alexander J. Hart until the first day of August A. D. eighteen hundred and ninety-three, and the term of the said George S. Capelle until the first day of August A. D. eighteen hundred and ninety-one; or until their respective successors shall be duly appointed as hereinafter provided.

At the expiration of the term as so extended of the said

\*So enrolled.

## OF THE CITY OF WILMINGTON.

George S. Capelle as a member of said department and biennially thereafter the place of the retiring member shall be filled by appointment by the Mayor of Wilmington for the term of six years. At expiration of term extended Mayor to appoint.

By inserting between the word "department" and "when" in the thirty-first line of Section 7 the words "nor until the expiration of six months after he shall have ceased to be a member of said department."

By striking out all that portion of Section 7 following the word "impartiality" in the thirty-ninth line thereof, down to and including the word "President" in the forty-second line thereof.

By striking out all of Section 7 after the word "services" in the forty-fourth line thereof, and inserting in lieu thereof the following, to wit: "the salary of three hundred dollars in each year in which a city election is held, payable as the salaries of other city officers are paid. But no salary or compensation shall be paid in any year in which a city election is not held." Salary.

By striking out the words "of the preceding year" in the fifteenth line of the first paragraph of Section 8, and inserting in lieu thereof the words "last preceding such division." Section 8 amended.

By striking out the word "city" in the last line of the first paragraph of Section 8, and substituting in lieu thereof the words "ward in which such new districts are situate."

By striking out the word "annually" in the third line of the second paragraph of Section 8, and substituting in lieu thereof the word "biennially."

By adding to the diagram at the end of the third paragraph of Section 8, on the right hand side thereof beyond the column for "Remarks," another ruled column, at the top of which shall be placed the word "voted." Ruled column.

By inserting between the words "year" and "have" in the second line of the sixth paragraph of Section 8, the words "in which a city election is held."

By inserting between the words "year" and "to" in the eleventh line of the sixth paragraph of Section 8 the words "in which a city election is held."

By striking out the words "succeeding year" in the first and second lines of the ninth paragraph of Section 8, and in-



## OF THE CITY OF WILMINGTON.

serting in lieu thereof the words "year in which a city election is held."

By inserting between the words "associates" and "and" in the fourth line of the ninth paragraph of Section 8 the words "provided that the total number of inspectors in each ward shall be divided as equally as possible between the different political parties."

Division of  
inspectors.

By inserting between the words "selected" and "every" in the thirteenth and fourteenth lines of the ninth paragraph of Section 8 the words "and no person who shall have served as inspector at any registration shall be such candidate at the election for which such registration was held."

Inspector  
not eligible  
for election.

By inserting after the word "office" in the twenty-second line of the ninth paragraph of Section 8 the words "which oath may be administered by any member of the Department of Elections."

Who to ad-  
minister  
oath.

By striking out the word "the" where it first occurs in the twenty-eighth line of the ninth paragraph of Section 8, and inserting in lieu thereof the words "the \_\_\_\_\_ ward of the."

By striking out the words "and in case of refusal or neglect to comply with the above requirements, or to serve, or to act," in the thirty-third and thirty-fourth lines of the ninth paragraph of Section 8, and substituting in lieu thereof the following, to wit: "In case of refusal or neglect on the part of any person so selected to be an election inspector to comply with the above requirements, or to serve or to act, he."

Refusal to  
serve as  
inspector.

By striking out the words "shall hold office for one year" in the fifty-fifth line of the ninth paragraph of Section 8, and inserting in lieu the words "in the year eighteen hundred and eighty-nine and all such inspectors thereafter appointed under the provisions of this act shall respectively hold office for the term of two years."

Inspector to  
hold office  
for 2 years.

By inserting between the word "appointment" and the word "whenever" in the eleventh and twelfth lines of the tenth paragraph of Section 8, the words "In case of refusal or neglect on the part of any person so selected to be a poll clerk to comply with the above requirements, or to serve, or to act, he shall be liable to a penalty of two hundred dollars, recoverable in the same manner and for the same use as the penalty above provided in case of a refusal or neglect on the part of an inspector of election."

Refusal of  
poll clerk  
to serve.

Penalty.

## OF THE CITY OF WILMINGTON.

By striking out the words "which compensation shall" in the twenty-first line of the tenth paragraph of Section 8, and inserting in lieu thereof the following, to wit: "Such compensation not to exceed in the aggregate the sum of nine dol-  
 lars and to." Compensa-  
tion.

By striking out Section 9, and inserting in lieu thereof the following, to wit:

"SECTION 9. There shall hereafter be a registration of the qualified voters in the City of Wilmington resident in each election district in the said city, at the times herein provided, and then only, to wit: on the third Saturday and on the second Saturday next preceding the day of each city election." Registra-  
tion of  
voters.

By striking out the words "twelve o'clock noon and seven" in the second line of the third paragraph of Section 10, and inserting in lieu thereof the words "ten o'clock in the forenoon and half-past seven." Section 10  
amended.

By striking out the word "name" in the sixth line of the fourth paragraph of Section 10, and inserting in lieu thereof the word "manner."

By striking out the word "such" in the fifty-second line of the fourth paragraph of Section 10, and inserting in lieu thereof the words "of age."

By striking out all of the sixth paragraph of Section 10 following the words "to wit," in the sixth line thereof, and substituting in lieu of the portion so stricken out the following, to wit:

"We, the undersigned inspectors of election in the \_\_\_\_\_ district of the \_\_\_\_\_ ward of the City of Wilmington, do jointly and severally certify that at the registration of voters held in the election district on the \_\_\_\_\_ day of \_\_\_\_\_ in the year \_\_\_\_\_, there were registered by us as qualified voters in the said election district the names which are entered in this book as of said day, and that the number of such registered and qualified voters was and is \_\_\_\_\_." Certificate  
of voters  
by registers.

By striking out the word "or" in the first line of the seventh paragraph of Section 10, and inserting in lieu thereof the word "on."

By striking out the word "date" in the fifth line of the seventh paragraph of Section 10 and inserting in lieu thereof the word "data."

By inserting between the words "year" and "certify" in

## OF THE CITY OF WILMINGTON.

the sixteenth line of the seventh paragraph of Section 10, the words "in which a city election is held."

Section 10  
amended.

By striking out the word "represent" in the thirty-first line of the seventh paragraph of Section 10, and inserting in lieu thereof the word "represents."

By striking out the words "before the hour of nine o'clock A. M.," in the eleventh and twelfth lines of Section 11, and inserting in lieu thereof the words "between the hour of nine o'clock A. M., and the time prescribed for opening the polls."

By striking out the words "at said time" in the seventeenth line of Section 11, and inserting in lieu thereof the words "at or before the hour of nine o'clock A. M., and there remain until the polls are closed and their duties at such polling places are at an end."

Tax receipt  
to be  
stamped.

By inserting between the words "yes" and "it" in the twenty-first line of Section 12 the following, to wit: "and shall immediately stamp his tax receipt with the word 'voted,' the number of the election district, and also the day and year of voting in letters and figures."

Section 12  
amended.

By striking out the word "the" in the twenty-fifth line of Section 12, and inserting in lieu thereof the word "this."

Section 13  
amended.

By striking out the words "at such meeting" in the ninth line of Section 13, and inserting in lieu thereof the words "on such day of registration or election."

By striking out the words "elector of the election district" in the twelfth line of Section 13, and inserting in lieu thereof the word "person."

By striking out the words "that you are an elector of this election district" in the fifteenth and sixteenth lines of Section 13.

Section 18  
amended.

By striking out the word "to" in the second line of Section 18.

Section 20  
amended.

By striking out the word "list" where it occurs in the second and fourth lines of Section 20, and inserting in lieu thereof respectively the word "lists."

Section 22  
amended.

By striking out the word "ballot" in the eleventh line of Section 22, and inserting in lieu thereof the word "ballots."

By striking out the word "candidates" in the thirty-eighth

## OF THE CITY OF WILMINGTON.

line of Section 22, and inserting in lieu thereof the word "candidate."

By striking out the words "the number received by him, or the split or scratched tickets" in the forty-first and forty-second lines of Section 22.

By inserting between the words "which" and "the" in the fourth line of Section 25, the following, to wit: "Such elec-<sup>Section 25 amended,</sup> tion was held."

By striking out the words "on the first Monday after the city election before the hour of ten o'clock in the forenoon" in the first and second lines of Section 26, and inserting in lieu thereof the following, to wit: "at or before the hour of ten o'clock in the forenoon on the first Monday after the city election."<sup>Section 26 amended.</sup>

By striking out the word "his" in the fourth line of Section 26, and inserting in lieu thereof the word "its."

By striking out the word "delivered" in the sixth line of Section 26, and inserting in lieu thereof the word "directed."

By striking out the words "hour of eight o'clock to the hour of ten o'clock in the forenoon of such day" in the fourteenth and fifteenth lines of Section 26, and substituting in lieu thereof the following, to wit: "time of closing polls until twelve o'clock midnight of the day of the election and from the hour of eight o'clock to the hour of ten o'clock in the forenoon of the first Monday after the election."

By striking out the period in the seventeenth line of Section 26, and changing the first letter in the word "The" in said line from a capital to a small letter.

By striking out the words "on the first Monday after the election" in the fourth line of Section 27, and inserting in lieu thereof the words "at or before the hour of ten o'clock in the forenoon of the first Monday after the city election."<sup>Section 27 amended.</sup>

By striking out the words "the city election in each year" in the second and third lines of Section 30, and inserting in lieu thereof the words "each city election."<sup>Section 30 amended.</sup>

By striking out the words "members of" in the fourteenth line of Section 30.

By striking out the word "Assessor" in the fifteenth line of Section 30 and inserting in lieu thereof the words "assessors and collectors."

## OF THE CITY OF WILMINGTON.

By striking out the word "office" in the nineteenth line of Section 30, and inserting in lieu thereof the word "offices."

Certificate  
of election.

By adding at the end of Section 30 the following words:  
"It shall also be the duty of the Department of Elections or a majority of the members thereof before the adjournment of said public session on the first Monday following each city election to make a certificate in writing signed by them for each person who has been proclaimed and declared to be elected at said election, which certificate shall be in the following form, viz.:

WILMINGTON, DEL., June —, 18—.

Form of  
certificate.

To \_\_\_\_\_

The undersigned members of the Department of Elections do hereby certify that you have been duly proclaimed and declared by said department to have been elected at the city election held on the \_\_\_\_\_ day of \_\_\_\_\_ 18—, to the office of \_\_\_\_\_.

Said department shall forthwith cause said certificate either to be delivered personally to the person so proclaimed and declared to have been elected or to be mailed to his usual post office address. Said certificate shall be *prima facie* evidence of the right of the person to whom it is addressed to hold the office therein mentioned."

Section 31  
amended.

By striking out the first three lines of Section 31 and inserting in lieu thereof the following, to wit:

Council to  
examine  
certificate  
of election.

"SECTION 31. And the Council of said city at its meeting for organization on the first day of July next ensuing the city election, or if that day falls on a Sunday, then on the Monday following, shall examine the certificates so delivered to the Clerk of City Council as aforesaid."

By inserting between the words "assessor" and "or" in the fifth line of Section 31, the words "and collector."

Section 32  
amended.

By striking out the word "proclaiming" in the second and third lines of Section 32, and inserting in lieu thereof the word "claiming."

Section 35  
amended.

By striking out the word "shall" in the first line of Section 35 and inserting in lieu thereof the word "may."

Section 37  
amended.

By striking out the word "other" in the third line of Section 37 and inserting in lieu thereof the word "another."

Section 39  
amended.

By striking out the word "years" in the third line of Section 39 and inserting in lieu thereof the word "terms."

## OF THE CITY OF WILMINGTON.

By striking out the words "officers of" in the first line of Section 40 and also by striking out the word "district" in the fourth line of said section. Section 40 amended.

By inserting the word "the" between the words "during" and "sitting" in the first line of Section 47. Section 47 amended.

By striking out the word "or" where it last occurs in the seventeenth line of Section 48. Section 48 amended.

By inserting the word "or" between the words "wilfully" and "fraudulently" in the twenty-sixth line of Section 48.

By striking out the word "or" where it last occurs in the thirty-seventh line of Section 48, and inserting in lieu thereof the word "to."

By changing the period in the forty-third line of Section 48 to a comma, and changing the first letter in the word "Every" in said line from a capital to a small letter.

By striking out the words "a right or an opportunity to vote for himself or for any other person" in the fifteenth and sixteenth lines of Section 49 and inserting in lieu thereof the words "an opportunity for himself or for any other person to vote." Section 49 amended.

By striking out the article "a" in the seventeenth line of Section 49 and inserting in lieu thereof the word "or."

By striking out the article "a" in the twenty-fifth line of Section 49.

By striking out the word "intently" in the fourth and fifth lines of Section 59 and substituting in lieu thereof the word "intentionally."

By striking out the word "disorderly" in the fourth line of Section 61. Section 61 amended.

By striking out the word "conformed" in the third line of Section 63 and inserting in lieu thereof the word "conferred." Section 63 amended.

SECTION 2. That said Chapter 194 of Volume 18 of the Laws of Delaware, as hereby amended be published with the laws passed at this session of the General Assembly. Chap. 194, Volume 18, ordered published as amended

*Passed at Dover, April 25, 1889.*

## OF THE CITY OF WILMINGTON.

## CHAPTER 669.

## OF THE CITY OF WILMINGTON.

AN ACT to amend an act entitled "An Act to revise and consolidate the Statutes relating to the City of Wilmington," as amended April 25, 1889.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch thereof concurring):*

Chapter 207,  
Volume 17,  
Laws of  
Delaware,  
amended.

SECTION 1. That Chapter 207, Vol. 17 of the Laws of Delaware, shall be and the same is hereby amended by striking out all of said chapter from and including Section 50 to and including Section 63 and inserting in lieu thereof the following:

Election to  
be by ballot  
Form of  
ballots.

Time of  
election.

Qualified  
voters.

SECTION 2. All elections shall be by ballot and a plurality of votes cast shall make a choice; the ballots used shall conform in all respects to those required by the general law of the State. Each city election shall be opened between the hours of eleven o'clock in the forenoon and twelve o'clock noon, and continue open until seven o'clock in the afternoon, when the same shall be closed.

SECTION 3. That at all city elections every male citizen of the age of twenty-one years and upwards, having resided within said city for three months next previous to the election, and in the election district where he offers to vote for thirty days next preceding the election, and who being otherwise qualified to vote at all State elections shall have registered at the biennial registration next prior to the election at which he offers to vote, and no other shall be entitled to vote; if any person who may have had his domicile in said city shall actually remove to any other place with the intention of remaining there an indefinite time as a place of domicile, he shall thereby lose his qualification of residence, notwithstanding he may entertain a floating intention to return at some future time.

Election  
and canvass  
of voters.  
How con-  
ducted.

SECTION 4. At all city elections held in the City of Wilmington the election and canvass of the vote cast thereat shall be in all respects conducted in conformity to the provisions of the general election laws of this State, except as in this act otherwise provided.

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SECTION 5. A failure to hold an election on election day, or the omission to execute any authority conferred by this act shall not dissolve the corporation but the authority of each officer shall continue until a new election can be legally held.

SECTION 6. The qualified voters of each ward shall at every biennial election in June choose a member of Council for their ward, resident in the ward. A member moving out of the ward shall thereby lose his office and the City Council shall fill the vacancy.

SECTION 7. That Andrew G. Wilson, Alexander J. Hart and George S. Capelle, of the City of Wilmington and State of Delaware, are hereby appointed and constituted a Department of Elections for the City of Wilmington; the terms of office of the said Andrew G. Wilson, Alexander J. Hart and George S. Capelle, the present members of the said department, are hereby respectively extended until the times following, to wit: The term of the said Andrew G. Wilson until the first day of August, A. D. eighteen hundred and ninety-five; the term of the said Alexander J. Hart until the first day of August, A. D. eighteen hundred and ninety-three, and the term of the said George S. Capelle until the first day of August, A. D. eighteen hundred and ninety-one; or until their respective successors shall be duly appointed as hereinafter provided. At the expiration of the term as so extended of the said George S. Capelle as a member of said department and biennially thereafter the place of the retiring member shall be filled by appointment by the Mayor of Wilmington for the term of six years. No person shall be eligible to appointment as a member of said department who shall not be a citizen of the United States and a qualified voter of and resident in the City of Wilmington for the term of five years next preceding his appointment. No member of the Department of Elections shall hold or be a candidate for any other municipal office during his membership in said department, nor until the expiration of six months after he shall have ceased to be a member of said department. When any vacancy occurs in said department, by or from any cause whatsoever, the Mayor aforesaid may fill the unexpired term by appointment, but at no time shall all the members of said department be on State issues of the same political faith and opinion. Each of said members shall before entering upon his duties take and subscribe and file in the office of the

Failure to elect not to dissolve corporation.

Voters shall choose a member of Council biennially.

Members of Election Department terms extended.

Terms of office.

Who are eligible.

Member of Department not to hold or be a candidate for any office.

Vacancy how filled.



## OF THE CITY OF WILMINGTON.

**Must make oath or affirmation.** Mayor of said city an oath or affirmation that he will perform the duties of his office with fidelity and impartiality.

**Compensation.** The members of the Department of Elections shall each receive as a compensation for their services, the salary of three hundred dollars in each year in which a city election is held, payable as the salaries of other city officers are paid. But no salary or compensation shall be paid in any year in which a city election is not held.

**Duties of members.** SECTION 8. The duties of the members of said Department of Election shall be as follows:

**Proviso.** 1. They shall divide the City of Wilmington into as many election districts as they shall deem necessary on or before the first day of April, A. D. eighteen hundred and eighty-eight, and in every fifth year thereafter on or before the first day of April, the members of the Department of Elections for the time being, shall divide the City of Wilmington into as many election districts as they shall deem necessary; *Provided*, that no election district shall contain more than three hundred, nor less than one hundred qualified voters; *And provided further*, that each of said districts shall be entirely within the boundaries of one ward. And on or before the first day of April, A. D. eighteen hundred and eighty-nine, and in every year thereafter, said Department of Elections may divide such of the districts, and such only as by the registration of voters last preceding such division shall be found to have had a registration of more than three hundred voters, but in any such division of any said districts, one portion of the district shall retain the original numerical designation, and the other portion shall take the number following the highest numbered district in the ward in which such new districts are situate.

**Shall designate and appoint the place of registry and polling place.** 2. They shall designate and appoint a place of registry and polling place in each election district in the City of Wilmington, and shall biennially not less than two weeks prior to the first day of registration provided for in this act, advertise by posters or hand-bills posted in five of the most public places in each district the number and boundaries of the district in which they are posted, the time and place of holding the next registration and city election in such district, and the officers to be voted for at such election, and at the places so designated all city elections shall be held, and the work of registration performed, and the said Department of Elections shall hire all such places and cause the same to

**Shall advertise the number and boundaries of districts, and designate the time and place of holding the registration**

OF THE CITY OF WILMINGTON.

be fitted up, warmed, lighted and cleaned, but in such election district such place shall be in the most public, orderly and convenient portion of the district, and no building or part of a building, shall be designated or used as a place of registry or polling place in which or in any part of which spirituous or intoxicating liquors is or has been sold within sixty days next preceding the time of using the same.

3. They shall cause to be prepared books for the registration of names and facts, required by this act, said books to be known by the general name of registers, and to be so arranged as to admit of the entering of the name of each street or avenue in each election district, and the number of each dwelling in any such street or avenue, if there be a number thereto, and if there be no number, under such other definite description of the location of the dwelling place as shall enable it to be readily ascertained, found and located, of the names of all male persons resident in each dwelling in each of said districts, who shall apply for registration. Such registers shall be ruled in parallel columns in which opposite to and against the name of every applicant shall be entered the words and figures hereinafter provided in this act, and shall be of such size as to contain not less than four hundred names and so prepared as they may be used at each election in the City of Wilmington until such time as in this act provided for the succeeding registration, and shall on the inside be in appearance and form as follows, to wit:

Residence.	Address.	Sworn.	Nativity.	Color.	Term of Residence.	Naturalized.	Date of Papers.	Court.	Qualified Voter.	Date of Application.	Why Disqualified.	Remarks.	Voted.
					City. State.								

4. They shall prepare and furnish all necessary registers,

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Shall prepare and furnish registers, books, &c., to the inspectors.

Shall have the custody of registers, tally lists, &c.

May dismiss election officers.

Provido.

Board shall have power to cause complete and accurate copies of the names, residences and cause of death of persons.

Duty of inspector.

books, maps, forms, oaths, certificates, blanks and instructions for the use of the inspectors of the election, provide for the furnishing of such officers therewith and with all necessary supplies; they shall have and retain the custody of all registers, tally lists, books, maps, forms, oaths of office and of removal blanks, instructions, and all other records and supplies of every other kind or description pertaining to the Department of Elections provided for in this act.

5. They shall have power to dismiss any election officer at any time and supply his place with another person; they may also employ a clerk and such other assistance as in the judgment of said members of said department shall be necessary and proper for the faithful performance by the department of the duties in this act imposed; *Provided*, the expense thereof shall not exceed fifteen hundred dollars in any one year, which said sum of fifteen hundred dollars shall not include the compensation of members of the Department of Elections, inspectors and poll clerks to be paid as provided in this act.

6. They shall from time to time, and at all times at least once in each and every year in which a city election is held have full power and authority to make, or cause to be made, such full, complete and accurate copies as they shall deem necessary of the record of the names, residences, age and cause of death of each male person, who shall die in the City of Wilmington, as the facts in respect to such death shall be furnished to the register of births, deaths and marriages for the City of Wilmington, and shall keep, preserve and file all such copies of such records; and it shall be the duty of the said Department of Elections in each year in which a city election is held to cause to be delivered to each inspector of election in each election district in the City of Wilmington, on or before the third Saturday next preceding the day of any city election held in the City of Wilmington, an alphabetical record of all male persons twenty-one years of age and upward, who in the district in which the said inspector is to serve, have died since the last city election. Such record shall be known and designated as a record of deaths, and it shall be the duty of each inspector of election in each district upon the receipt of such record to securely attach the same to the inside of the registry in his custody to the end that it may be preserved, and upon the receipt of the same each inspector shall examine the register in his custody and as to the name of every person upon said registry who by said record of

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deaths, shall by a coincidence in respect to said names and facts appear to have deceased, and opposite to and against every such name, to enter in the column headed why disqualified the word "dead," in the column headed "date of erasing name" the month, day and year of such erasing, and in the column headed "remarks" the words "stricken from the registry," adding against each such entry made in the column of "remarks" the initial letters of the name of the inspector making such entry and through the name of every such person stricken from the registry, and then only, shall draw a line as indication that such name is erased from the register of that election district.

7. They shall furnish the inspectors of election in each election district with the hereafter named election machinery:

(a.) A box of a size sufficient in their judgment to receive the ballots in the respective districts, and of such character and workmanship as will insure safety and fairness in elections.

(b.) Stamps which, when applied to tax receipt on registration days, will produce the word "registered," the number of the district, and also the day and year of registering, in letters and figures; and when applied to tax receipts on election day will produce the word "voted," the number of the district, and also the day and year of voting, in letters and figures.

8. They shall hereafter appoint all inspectors of election and poll clerks for city elections in the City of Wilmington, and shall also make all necessary removals and transfers and fill all vacancies which from any cause may occur.

9. They shall in the month of April in each year in which a city election is held select for each election district in said city to serve as inspectors of elections three persons, two of whom shall be of different political faith and opinion from their associates; *Provided*, that the total number of inspectors in each ward shall be divided as equally as possible between the different political parties, and those appointed to represent the party in political minority on State issues to be named solely by such member or members of the Department of Elections as is or are the representative or representatives of such political minority, who shall be citizens of the United States, and of the State of Delaware, of good character, able to read, write and speak the English language understandingly, qualified voters in the City of Wilmington, and not

Shall furnish inspectors with election machinery.

Stamps when applied to tax receipt what to contain.

Shall appoint inspectors and poll clerks.

Inspectors to be selected in April.

Must be of different political faith.

Proviso.

Qualifications.

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Persons  
chosen to  
present  
themselves  
for exami-  
nation.

Take oath  
of office.

Form of  
oath.

candidates for any office to be voted for by the electors of the district for which they shall be selected, and no person who shall have served as inspector at any registration shall be such candidate at the election for which such registration was held; every person so selected by the Department of Elections as its choice to be an election inspector, shall on receipt of notice thereof appear within ten days thereafter before the said department for the purpose of examination, and if found qualified shall, unless excused by said department by reason of ill health or other good or sufficient cause, be bound to serve as such officer at every registration and city election for the term for which he is appointed by said department and shall take the following oath of office, which oath may be administered by any member of the Department of Elections:

I, \_\_\_\_\_ residing at No. \_\_\_\_\_ in the City of Wilmington, do solemnly swear (or affirm) that I will support the Constitution of the United States, and of the State of Delaware, and that I will faithfully discharge the duties of the office of inspector of election for the \_\_\_\_\_ election district of the \_\_\_\_\_ ward of the City of Wilmington according to the best of my ability, and that I am a citizen of the United States and State of Delaware, a qualified voter in the City of Wilmington, and not a candidate for any office to be voted for by the electors of the district for which I am appointed an inspector.

Penalty for  
neglect to  
comply.

What shall  
be deemed a  
refusal.

Certificate  
to be given  
by the de-  
partment.

In case of refusal or neglect on the part of any person so selected to be an election inspector to comply with the above requirements, or to serve or to act, he shall be liable to a penalty of two hundred dollars, recoverable by said department by civil action in any court of record in the name of the "President of the Department of Elections of the City of Wilmington," and for the use and benefit of the city; and a failure on the part of any such person to present himself for examination, or to comply with any of the requirements of this act, preliminary to receiving his certificate of appointment within the time prescribed, or to attend on the day of any registration, or the day of any city election during said term, unless prevented by sickness or other sufficient cause, the burden of proof of which shall be upon the delinquent, shall be deemed a refusal within the meaning of this act.

Whoever shall be nominated, approved and sworn into office as an inspector of elections shall receive a certificate of appointment from the Department of Elections, said certificate

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to be in such form as shall be prescribed by the said Department of Elections, and to specify the election district in and for which the person to whom the same is issued is appointed to serve and the date of the expiration of his term of office. The inspectors of election appointed under the provisions of this act in the year eighteen hundred and eighty-nine, and all such inspectors thereafter appointed under the provisions of this act shall respectively hold office for the term of two years, unless sooner removed for want of the requisite qualification or for cause; in either of which cases such removal, unless made while the inspector is actually on duty on a day of registration or election, and for improper conduct as an election officer shall only be made after notice in writing to the officer sought to be removed, which notice shall set forth clearly and distinctly the reason for his removal. The neglect or refusal of any person so appointed by the Department of Elections to appear and qualify as an inspector within the time herein presented shall be deemed to create a vacancy in said office.

Term of officer.

Removal.

What shall be deemed a vacancy.

10. They shall appoint as poll clerks two persons of different political faith and opinion on State issues and possessing the other qualifications required by this act of inspector of elections, who shall be in all respects similarly named, selected, notified, examined, appointed, commissioned and sworn as in this act required for the appointment of inspectors in and for such election district in the City of Wilmington. Said poll clerks shall hold office for the same period of time and upon the same conditions as are above prescribed for inspectors of elections, and shall receive a like certificate of appointment. In case of refusal or neglect on the part of any person so selected to be a poll clerk to comply with the above requirements, or to serve, or to act, he shall be liable to a penalty of two hundred dollars, recoverable in the same manner and for the same use as the penalty above provided in case of a refusal or neglect on the part of an inspector of election.

Poll clerks.

Terms of office.

Whenever from any cause there shall exist a vacancy in the office of inspector of election or poll clerk, a person appointed to fill such vacancy shall be named by such member of said Department of Elections or such of the members of said department or his successors, or their successors as named, the inspector or poll clerk in whose place any such person is designated. Inspectors of elections and poll clerks appointed in pursuance to the provisions of this act, shall be

Vacancies in office of inspector or poll clerk, how filled.

## OF THE CITY OF WILMINGTON.

Compensation, how paid.

entitled to receive three dollars for each day's service at any registration or election, such compensation not to exceed in the aggregate the sum of nine dollars and to be paid on the certificate of the President of the Department of Elections as to the period of service, but no payment shall be made to any person as inspector of election or poll clerk who shall not have taken, subscribed and filed the oath, or affirmation, required herein, and who shall not during the period of his service have fully complied with all the requirements of law in anywise relating to his duties, and the acting of any such person in either of said capacities without having taken, subscribed and filed the said oath, or affirmation, shall be deemed to be and punished as a misdemeanor. Inspectors of elections and poll clerks during the time they hold such office shall be exempt from the performance of military and jury duty, and no person who by the law of this State is exempt from jury duty, shall be required to serve as an inspector or poll clerk under this act.

Inspector and poll clerk exempt from military and jury duty.

Times of registration of qualified voters.

SECTION 9. There shall hereafter be a registration of the qualified voters in the City of Wilmington resident in each election district, in the said city, at the times herein provided, and then only, to wit: on the third Saturday and on the second Saturday next preceding the day of each city election.

Times of meeting of the inspectors.

SECTION 10. The inspectors of election appointed pursuant to the provisions of this act, shall at the times in this act designated for registration, meet in their respective election districts at the places which, as provided in this act, shall be designated therein for such meeting, and at such time in each election district, the said inspector of election shall openly and publicly do and perform the following acts, viz.:

Organization.

1. They shall organize as a board by selecting one of their number to act as chairman, but in case of failure to so organize within fifteen minutes after the time fixed for meeting, the chairman shall be selected by lot.

Applicants for registration to be received.

2. They shall receive the application for the registration of all such male residents of their several election districts, and such only as there are, or on the day of the election next following the day of making such application would be entitled to vote therein, and who shall personally present themselves each with his proper tax receipt.

How qualified.

3. They shall remain in session on each of said days between the hours of ten o'clock in the forenoon and half past seven o'clock in the afternoon and shall administer to all per-

Time of session.

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sons who personally apply to register, the following oath or affirmation, viz.:

Oath administered to persons applying.

You do solemnly swear (or affirm) that you will fully and truly answer all such questions as shall be put to you touching your place of residence, name, place of birth, your qualifications as an elector, and your right as such to register and vote under the laws of this State.

Form of oath.

4. They shall then each examine each applicant as to his qualifications as an elector, and unless otherwise provided herein, shall each in a separate book immediately, and in the presence of the applicant, enter in the register to be made and furnished as provided in this act, the statements and facts below set forth and in the manner following, viz.:

Shall examine applicant.

Shall make entries of statement of facts.

First—Under the column “residence” the name and number of the street, avenue or other location of the dwelling, if there be a number, and if there shall not be a number, such clear and definite description of the place of said dwelling as shall enable it to be readily ascertained, fixed and determined, and if there shall be more than one house at the number given by the applicant as his place of residence, in which house he resides, and if there be more than one family residing in said house, either the floor on which he resides, (every floor below the level) of the ground being designated as the basement, the first floor on or above such level as the first floor, and each floor above that as the second or such other floor as it may be, or the number, or location of the room or rooms occupied by the applicant, and whether front or rear.

Form of entry.

Second—Under the column “address” the name of the applicant, giving the surname and Christian name in full, but the names of all persons residing in the same dwelling to follow each other and to be under the street and house number or other description as provided of the dwelling.

Third—Under the column “sworn” the word “yes or no,” as the fact shall be.

Fourth—Under the column “nativity,” the State, county, kingdom, empire or dominion, as the fact shall be stated by the applicant.

Fifth—Under the column “of color” the words “white” or “colored,” as the fact shall be.

Sixth—Under the sub-division of the general column of “term of residence,” the period by months or years stated by





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fed voters in the said election district the names which are entered in this book as of said day, and that the number of such registered and qualified voters was and is .”

7. The said inspectors shall in each election district on each day of any registration, before adjourning, enter in a book prepared for that purpose, which shall be known as a public copy of the registers, all such names and residences and all such data, information and statements, as during the day have been entered by the inspectors of election in the registers provided in this act. And the whole four books shall, on each of said days after the completion of such copy of the registers be carefully compared throughout, so that each of the registers and the copy thereof shall in every respect agree with each other and contain the name and residence of each person who shall have applied for registration, and the facts respecting him, as the same shall have been stated by him and entered in the registers as provided in this act. The said inspectors shall on the last day of any registration, in every year in which a city election is held certify the said copy in the same manner as if it were an original, and within forty-eight hours after their adjournment on said last day of such registration, shall leave it suspended in a place where such registration was conducted, where it shall be and remain until the day of the next city election, to the end that the same may be inspected and copied by any elector in said city, but on the day of such election the said inspectors shall take possession of said public copy, and the chairman shall closely retain the same throughout the said day, returning it to the Department of Elections as provided in this act for the return of the register kept by him, and shall within the same time deliver to the Department of Elections to be filed in their office, one of the registers made by them and the other two registers in each election district shall be retained and carefully preserved by the inspectors; *Provided*, that the register made by the inspector, who represents the party in political minority on State issues, shall always remain in the possession and custody of such inspector or his successor in office (if such there be) until the next city election for his use on that day.

SECTION 11. The Department of Elections shall have the right and it shall be their duty to carefully examine and compare with each other the several registers required by Section 10 of this act to be filed in their office, and when it shall appear by any data in their possession that any person has

Shall keep daily record of names and statements, and any information received.

Books to be compared.

Shall certify to copy.

Registration to remain to be inspected and certified by any elector.

Shall deliver one of the registers to the Department of Elections. Inspectors to retain other lists. *Provided*.

Shall examine and compare registers.

## OF THE CITY OF WILMINGTON.

registered in more than one election district, they shall upon due inquiry strike his name from the register of any or all election districts in which he is not a qualified voter, and to and against his name under the column "why disqualified" in such register or registers, state the reason thereof, and shall on the morning of the day of the next city election between the hour of nine o'clock A. M. and the time prescribed for opening the polls, deliver to the inspectors in each election district at the polling place therein, the register made by the inspector of such district, and so corrected by the Department of Elections, and it shall be the duty of the inspectors in each election district to be present at said polling place at or before the hour of nine o'clock A. M. and there remain until the polls are closed and their duties at such polling places are at an end, and after receipt of the corrected register from the Department of Elections, and before the hour of election shall carefully compare it with the other registers and the public copy of the registers of said election district, and make them agree in all respects with said corrected register, so that at the hour of the election, all three of the registers of each election district and the public copy thereof, shall in all respects agree.

When name  
may be  
stricken  
from  
register.

Duty of  
inspector to  
be present  
at each  
polling  
place.

Inspectors  
shall have  
the registers  
provided for  
in this act.

Voter's  
name to be  
announced  
by inspector

Each in-  
spector shall  
in the regis-  
ter write  
the name  
and voted.

SECTION 12. The inspectors of election in each election district of the City of Wilmington shall on the day of any city election therein have with them at the polling place in said district the registers provided for in this act; they shall make use of one of said registers for guidance on said day and no vote shall be received from any person whose name shall not be found by at least two of them to be upon at least two of the said registers as a qualified voter. The chairman of said inspectors in each election district shall if present, and if absent then one of the other inspectors, shall upon any person offering to vote, announce in a loud, clear and distinct manner the name of such person; and no ballot shall be received by either of the inspectors, or deposited in the ballot-box until at least two of said inspectors shall, as hereinabove provided, have examined and found the name and residence of such person and have declared the same, and that such person is entered as a qualified voter. When if the vote of the said person is received each of the inspectors shall in the register made by him write in the appropriate column bearing the heading "voted," and opposite to the name and residence of such person the word "yes," and shall immediately stamp his tax receipt with the word "voted," the number of the election

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district, and also the day and year of voting in letters and figures. It shall be the duty of each of the inspectors to note on the said register in his possession in a suitable and separate part thereof the name and residence of each and every person, if any, whose vote shall be received in contravention of the provisions of this section, and the name of the inspector or inspectors, if any, who shall so receive or deposit in the ballot-box any such vote; and it shall further be the duty of each of the inspectors immediately on the close of the polls on the day of election to compare the said registers as kept by them as herein provided, and attach to them a certificate in writing that the same are correctly checked, and within forty-eight hours after the completion of the canvass of the votes cast in the election district in which they served each inspector shall leave his register at the office of the Department of Elections, whose duty it shall be to file and preserve the same as provided in this act; and in no election district in said city shall any inspector who has custody or charge of any of the registers in this chapter provided for, ever permit said register to leave his possession (except it be the one filed in the Department of Elections, as provided in this act) from the time of receiving custody of the same until he shall file the same, as provided in this section, save in the event of his resignation or removal, and the appointment, as provided in this act, of his successor, when he shall promptly surrender and turn over the same to him.

Duty of inspector to note on register the name and residence of every person

Further duty of inspectors.

Shall certify that the same is correctly checked.

Register shall be left with the Department of Elections

Shall turn over register to his successor.

SECTION 13. Any person applying to register, or offering to vote, or who is registered, may on any day of registration or of election, be challenged by any qualified voter in the City of Wilmington, and any one of the inspectors of election in any election district in said city, may at any such time or times, and one of them shall administer to any person so challenged the oath or oaths provided by law to test the qualification of challenged voters, and any one of said inspectors may on such day of registration or election administer to any applicant for registration the oath or oaths provided in this act to be administered to and taken by any such applicant; and may also administer to any person who may be offered as a witness to prove the qualification of any person claiming the right to be registered, or to vote, the following oath: You do swear (or affirm) that you will fully and truly answer all questions as shall be put to you touching the place of residence and other qualifications as an elector of the person (name to be given) now claiming the right to be

When persons offering to vote may be challenged.

Board may administer oath to person challenged.

Form of oaths.

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registered as a voter (or to vote as the case may be) in this district.

Who may  
contest and  
challenge  
the right to  
be reg-  
istered.

Inspectors  
may hear  
contest.

Each politi-  
cal party  
may design-  
ate and  
keep a  
challenger.

Challenger  
to be as-  
signed a  
position.  
Shall be  
protected.

Challenger  
may be re-  
moved.

SECTION 14. Any person who is a qualified voter in the City of Wilmington may upon any day of registration or election challenge and contest the right of any person to be registered in any election district, or to vote at any poll in the said city, or may require the name of any registered person to be marked for challenge, and on any such day or days shall be entitled to be heard by the inspectors of election in any election district in relation to the correctness of their register.

SECTION 15. At every city election held in the City of Wilmington each political party shall have the right to designate the place and keep a challenger at each place of registration and voting, who shall be assigned such position immediately adjoining the inspectors of election and upon the inside of the window, as will enable him to see each person as he offers to register or vote, and who shall be protected in the discharge of his duty by the inspectors of election and the police; each political party may remove any challenger appointed by it, and all vacancies which from any cause shall arise shall be filled by the same party power and authority as conferred the original appointment.

Poll clerks  
shall keep a  
poll list.

SECTION 16. The poll clerks at each poll in the City of Wilmington shall each keep in ink, a poll list in books to be prepared and furnished for that purpose, which shall contain a column headed "residence," a column headed "name of voter," and a column headed "remarks."

Form of  
poll books.

SECTION 17. The poll books referred to in the preceding section shall be in form as follows:

## ELECTION DISTRICT.

RESIDENCE

NAME OF VOTER.

REMARKS.

Poll clerks  
to keep  
residence of  
each voter.

The residence of each elector voting shall be entered by each poll clerk in the column of his poll list headed "residence," and the name of such elector in the column headed

## OF THE CITY OF WILMINGTON.

"name of voter," and in the column of "remarks" opposite the name of each person challenged shall be noted the oath or oaths offered and taken by any such person.

SECTION 18. In each election district in the City of Wilmington it shall be the duty of the inspectors of election immediately after the close of the polls on the day of any election, before proceeding with the canvass of the ballots in the box and while the poll clerks are canvassing their books, to write in ink opposite to and against the name of each person entered in their registers who is not shown by said registers to have voted, and in the column headed "voted" the word "no" so that column may be fully filled up and the said inspectors shall then compare the said registers, make them agree, and ascertain the number of persons who by them are shown to have voted at that poll that day; and when they have made comparison and ascertained such fact the chairman of the board of inspectors, or in his absence the inspector acting as such, shall announce the same in a loud voice.

Duty of inspectors.

Result, how announced.

SECTION 19. As soon as the poll of an election shall have been finally closed the inspectors of election in their several districts shall immediately, and at the place of the poll, proceed to canvass the votes. Such canvass shall be public and shall not be adjourned or postponed until it shall have been fully completed, and the several statements hereinafter required to be made by the inspectors shall have been made out and signed by them. No vote shall be counted or canvassed in any election district unless three qualified voters in such election district, if so many claim that privilege, are allowed to be present and so near that they can see whether the duties of said inspectors are faithfully performed.

Upon closing the polls the inspectors shall proceed to canvass the votes.

Canvass shall not be adjourned.

Who to witness canvass.

SECTION 20. The canvass shall commence by a comparison of the poll lists from the commencement, and a correction of any mistakes that may be found thereon; and such comparison shall be continued until the poll lists agree as to the number of ballots deposited in the box; when they have been made to agree, one of the inspectors shall publicly announce in a loud voice the number of ballots deposited in the box as shown by the poll lists.

How the canvass shall commence.

Inspectors shall publicly announce ballots.

SECTION 21. The box shall then be opened and the ballots contained therein shall be taken out and counted, unopened, except so far as to ascertain that each ballot is single; if two or more ballots shall be found so folded together as to present the appearance of a single ballot they shall be de-

Box shall be opened and counted. For what purpose.

## OF THE CITY OF WILMINGTON.

stroyed, if the whole number of ballots exceed the whole number of votes as shown by the poll list and not otherwise.

**SECTION 22.** The board shall then proceed to canvass the votes in the following manner, the said inspectors shall open the ballots and place those which contain the same names together, so that the several kinds shall be in separate piles or on separate files. One of the said inspectors shall then take the kind of ballots which appear to be the greatest in number, and count them by tens, carefully examining each name on each of said ballots. Such inspector shall then pass the ten ballots to the inspector sitting next to him, who shall count them in the same manner. The second inspector shall then call the names of the persons named in the ballots and the offices for which they are designated, and the poll clerks shall tally the votes for each of such persons. The third inspector shall watch the proceedings of the other inspectors and the poll clerks, and at his option may perform the same duties in respect to the canvass as are prescribed for the second inspector, or in case of the absence of a poll clerk, may perform his duty. When the counting of each kind of ballots shall be completed, the poll clerks shall compare their tallies together and ascertain the total number of ballots of that kind so canvassed, and when they agree upon the number, one of them shall announce it in a loud voice to the inspectors, the kind of ballots which appear to be next greatest in number, and afterward each of the other kind of ballots in succession shall then be canvassed in the same manner. The ballots containing names partly from one kind of ballots and partly from another, being those usually called split tickets, and those from which the name of a person proper to be voted for on such ballots has been omitted, or erased, usually called scratched tickets, shall then be canvassed separately by one of the inspectors sitting between two of the other inspectors, which inspector shall call each name to the poll clerk, and the office for which it is designated, the other inspectors looking at the ballot at the same time, and the poll clerks making note of same; when all the ballots found in the box have been canvassed in this manner, the poll clerks shall compare their tallies together, and ascertain the total number of votes received by each candidate, and when they agree upon the number, one of them shall announce in a loud voice to the inspectors the number of votes received by each candidate on each of the kind of ballots containing his name, and the total number of votes received by him. If

How the board shall proceed to canvass the votes.

Inspector to pass the ballots.

Poll clerks shall tally the votes.

Third inspector to watch the proceedings of the other inspectors.

Duty of the poll clerks when canvass is completed.

Clerks shall announce what.

Scratched ballots how canvassed.

Total number how ascertained.

## OF THE CITY OF WILMINGTON.

after the ballots in any box have been opened or canvassed, the whole number of them shall be found to exceed the whole number of votes required by the corresponding columns of the poll lists, the said inspectors shall return all the ballots in the box, and shall thoroughly mingle the same, and one of the inspectors, to be designated by the board, shall, without seeing the same, and with his back to the box, publicly draw out of such box so many of such ballots as shall be equal to the excess which shall be forthwith destroyed, but if the ballots have been canvassed, the votes for the person named therein, shall be first deducted from the votes entered for such person on the tallies.

SECTION 23. The canvass of the ballots found in any box shall be completed by ascertaining how many ballots of the same kind corresponding in respect to the names of the persons thereon, and the office for which they are designated have been received; and the result being found the said inspectors shall securely paste or attach to each statement of such canvass hereinafter directed to be made, one ballot of each kind found to have been given for the officer to be chosen at such election; and they shall state in words at full length immediately opposite such ballot and written partly on such ballot and partly on the paper to which it shall be pasted or attached the whole number of all the ballots that were received which correspond with the one so pasted or attached so that one of each kind of the ballots received at such election for the officers then to be chosen shall be pasted or attached to such statement of such canvass. If only one ballot of any kind shall be found in the box it shall be pasted or attached to the statement to be delivered to the Department of Elections, and if only two ballots of any kind are found in the box one shall be pasted or attached to the statement to be delivered to the Department of Elections, and the other to be delivered to the clerk of the City Council of Wilmington. They shall also paste or attach all the ballots rejected by them as being defective in whole or in part to the statement to be delivered to the said Department of Elections.

SECTION 24. When the canvass of the ballots found in the box shall have been completed and the poll clerk shall have announced to the inspector the total number of votes received by each candidate, the chairman of the board of inspectors of election, or in his absence the inspector acting as such shall proclaim in a loud voice the total number of votes received by each of the persons voted for upon the ballots

Proceedings  
when votes  
shall exceed  
the votes of  
poll lists,

Canvass of  
the ballots  
how ascer-  
tained.

Ballot to be  
past to  
statement.

Shall paste  
defective  
ballots to  
statement.

Chairman  
shall an-  
nounce  
number of  
votes re-  
ceived.



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found in the box and the office for which they are designated, and such proclamation shall be *prima facie* evidence of the result of the canvass of such ballots.

**SECTION 25.** The inspectors of election in each election district shall make triplicate statements of the result of the canvass and estimate of the votes. Each of the statements shall contain a caption stating the day on which such election was held, the number of the election district in relation to which such statement shall be made, and the time of opening and closing the polls of such election district. It shall also contain a statement showing the whole number of votes given for each person designating the office for which they were given, which statement shall be written, or partly written, and partly printed in words at length, and at the end thereof a certificate that such statement is correct in all respects, which certificates and each sheet of paper forming part of the statement, shall be subscribed by the said inspectors and poll clerks. If any inspector or poll clerk shall decline to sign any return, he shall state his reason therefor in writing, and a copy thereof, signed by him, shall be enclosed with each return. Each of the statements shall be enclosed in an envelope which shall then be securely sealed with wax, and each of the inspectors and each of the poll clerks shall write his name across every fold, at which the envelope, if unfastened, could be opened, and across the seal thereon. One of the envelopes shall be directed on the outside to the clerk of the City Council of Wilmington, another to the Mayor, and the third to the Department of Elections. Each set of tallies shall also be enclosed, securely sealed, and signed in like manner, and one of the envelopes shall be directed on the outside to the Department of Elections and the other to the clerk of the City Council of Wilmington. On the outside of every envelope shall be endorsed, whether it contains the statement or the tallies and for what election district.

**SECTION 26.** At or before the hour of ten o'clock in the forenoon on the first Monday after the city election, one of the said inspectors in each election district shall deliver to the Department of Elections, at its office, the statement directed to it; another inspector shall deliver to the clerk of the City Council the statement directed to him, and the third inspector shall deliver to the Mayor the statement directed to him. One of the poll clerks shall deliver to the Department of Elections, the tally directed to it, and the other poll clerk shall deliver to the clerk of the City Council the tally di-

Inspectors shall make triplicate statements.

What to contain.

Certificates to be subscribed by inspectors.

If inspector decline to sign return he shall state his reason.

Statement, how sealed.

To whom directed.

Time inspectors shall make statement, and to whom.

Poll clerk shall deliver to whom.

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rected to him. And it shall be the duty of the Department of Elections, and its clerk, and of the clerk of the City Council and of the Mayor, to be present in their respective offices, from the time of closing polls until twelve o'clock midnight of the day of the election and from the hour of eight o'clock to the hour of ten o'clock in the forenoon of the first Monday after the election. In case for any cause, the clerk of Council shall fail to attend at such time and place the President of Council shall attend and receive, take charge of, and safely keep said statements and tallies until delivered to the clerk of <sup>Statements and tallies to be kept.</sup> Council, or to the Council at their next stated meeting; and if for any cause the Mayor shall fail to attend at such time and place the statement shall be delivered to the City Judge of the Municipal Court for the City of Wilmington at the City Hall, who shall take charge of and safely keep said statements until delivered to the Mayor.

SECTION 27. The poll lists kept at such election shall be <sup>Poll lists to be certified.</sup> certified in writing by both poll clerks to be a true and correct list of the votes cast at the said election in their respective election districts, and at or before the hour of ten o'clock in the forenoon of the first Monday after the city election shall be filed by such poll clerks, the one in the office of the <sup>When filed.</sup> Departments of Elections, and the other in the office of the clerk of the City Council of Wilmington.

SECTION 28. The remaining ballots not so pasted or attached to said statements, as hereinbefore provided, shall be <sup>Ballots to be destroyed.</sup> destroyed, and the board of inspectors shall be dissolved.

SECTION 29. In case any officer to whom any of the papers in the preceding sections are directed to be delivered, shall be <sup>In case of absence of officers, to whom papers are to be delivered.</sup> absent from his office, the same may be delivered to the person authorized in such case to attend to his official duty, and the officer or person to whom any envelope containing any statement or tally, or to whom any register or copy thereof or poll list shall be delivered, as in this act provided, shall give a receipt therefor to the inspector or poll clerk, from whom the same is received, and such receipt shall be filed by said <sup>Shall give a receipt.</sup> inspector or poll clerk in the office of the City Auditor of the City of Wilmington before any payment for his services shall be made.

SECTION 30. The members of the Department of Elections <sup>Time of declaring and certifying the result.</sup> shall on the first Monday following each city election at the hour of twelve o'clock, noon, meet in public session at the City Hall in the said City of Wilmington and canvass, declare

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found in the box and the office for which they are designated, and such proclamation shall be *prima facie* evidence of the result of the canvass of such ballots.

Inspectors  
shall make  
triplicate  
statements.

What to  
contain.

Certificates  
to be sub-  
scribed by  
inspectors.

If inspector  
decline to  
sign return  
he shall  
state his  
reason.

Statement,  
How sealed,

To whom  
directed.

SECTION 25. The inspectors of election in each election district shall make triplicate statements of the result of the canvass and estimate of the votes. Each of the statements shall contain a caption stating the day on which such election was held, the number of the election district in relation to which such statement shall be made, and the time of opening and closing the polls of such election district. It shall also contain a statement showing the whole number of votes given for each person designating the office for which they were given, which statement shall be written, or partly written, and partly printed in words at length, and at the end thereof a certificate that such statement is correct in all respects, which certificates and each sheet of paper forming part of the statement, shall be subscribed by the said inspectors and poll clerks. If any inspector or poll clerk shall decline to sign any return, he shall state his reason therefor in writing, and a copy thereof, signed by him, shall be enclosed with each return. Each of the statements shall be enclosed in an envelope which shall then be securely sealed with wax, and each of the inspectors and each of the poll clerks shall write his name across every fold, at which the envelope, if unfastened, could be opened, and across the seal thereon. One of the envelopes shall be directed on the outside to the clerk of the City Council of Wilmington, another to the Mayor, and the third to the Department of Elections. Each set of tallies shall also be enclosed, securely sealed, and signed in like manner, and one of the envelopes shall be directed on the outside to the Department of Elections and the other to the clerk of the City Council of Wilmington. On the outside of every envelope shall be endorsed, whether it contains the statement or the tallies and for what election district.

Time  
inspectors  
shall make  
statement,  
and to  
whom.

Poll clerk  
shall deliv-  
er to whom.

SECTION 26. At or before the hour of ten o'clock in the forenoon on the first Monday after the city election, one of the said inspectors in each election district shall deliver to the Department of Elections, at its office, the statement directed to it; another inspector shall deliver to the clerk of the City Council the statement directed to him, and the third inspector shall deliver to the Mayor the statement directed to him. One of the poll clerks shall deliver to the Department of Elections, the tally directed to it, and the other poll clerk shall deliver to the clerk of the City Council the tally di-

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rected to him. And it shall be the duty of the Department of Elections, and its clerk, and of the clerk of the City Council and of the Mayor, to be present in their respective offices, from the time of closing polls until twelve o'clock midnight of the day of the election and from the hour of eight o'clock to the hour of ten o'clock in the forenoon of the first Monday after the election. In case for any cause, the clerk of Council shall fail to attend at such time and place the President of Council shall attend and receive, take charge of, and safely keep said statements and tallies until delivered to the clerk of Council, or to the Council at their next stated meeting; and if for any cause the Mayor shall fail to attend at such time and place the statement shall be delivered to the City Judge of the Municipal Court for the City of Wilmington at the City Hall, who shall take charge of and safely keep said statements until delivered to the Mayor.

SECTION 27. The poll lists kept at such election shall be certified in writing by both poll clerks to be a true and correct list of the votes cast at the said election in their respective election districts, and at or before the hour of ten o'clock in the forenoon of the first Monday after the city election shall be filed by such poll clerks, the one in the office of the Department of Elections, and the other in the office of the clerk of the City Council of Wilmington.

SECTION 28. The remaining ballots not so pasted or attached to said statements, as hereinbefore provided, shall be destroyed, and the board of inspectors shall be dissolved.

SECTION 29. In case any officer to whom any of the papers in the preceding sections are directed to be delivered, shall be absent from his office, the same may be delivered to the person authorized in such case to attend to his official duty, and the officer or person to whom any envelope containing any statement or tally, or to whom any register or copy thereof or poll list shall be delivered, as in this act provided, shall give a receipt therefor to the inspector or poll clerk, from whom the same is received, and such receipt shall be filed by said inspector or poll clerk in the office of the City Auditor of the City of Wilmington before any payment for his services shall be made.

SECTION 30. The members of the Department of Elections shall on the first Monday following each city election at the hour of twelve o'clock, noon, meet in public session at the City Hall in the said City of Wilmington and canvass, declare

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Envelopes. When to be opened, and certify the result of such election. The envelopes delivered to said Department of Elections, as provided by this act, shall then, and not till then, be opened by the presiding officer of said department at such session, who shall mark each separate sheet of the statement with the initials of his name and proclaim and declare the persons elected, and before adjourning, the members of said department shall make two certificates, in writing, under their hands, or the hands of a majority of them, showing the state of the vote for Mayor, President of Council, members of Council, Assessors and Collectors, City Treasurer, and for any and all other city officers, for whom votes shall have been cast (when they or any of them shall have been voted for according to law) setting forth particularly the name of every person voted for said offices respectively, and the number of votes cast for each, and shall seal up each of said certificates separately in a paper with an endorsement thereon, describing the certificate enclosed, and the President or other presiding officer of the Department of Elections, shall either personally or by person deputed by him, on the first Tuesday following the election as aforesaid, between the hours of ten o'clock in the forenoon and twelve o'clock noon, deliver and lodge one of said certificates in the office of the clerk of the City Council of Wilmington, and the other in the office of the Mayor of said city, and it shall be the duty of the clerk of said Council and the Mayor of said city, each either in person or by deputy, to be present in their said offices respectively, at such time to receive the same.

Duty of Department of Elections. It shall also be the duty of the Department of Elections, or a majority of the members thereof, before the adjournment of said public session on the first Monday following each city election to make a certificate in writing signed by them for each person who has been proclaimed and declared to be elected at said election, which certificate shall be in the following form, viz:

Certificate. To \_\_\_\_\_ WILMINGTON, DEL., June —, 18—.

The undersigned members of the Department of Elections do hereby certify that you have been duly proclaimed and declared by said department to have been elected at the city election held on the \_\_\_\_\_ day of \_\_\_\_\_ 18—, to the office of \_\_\_\_\_.

Certificate to be delivered. Said department shall forthwith cause said certificate either to be delivered personally to the person so proclaimed and de-

## OF THE CITY OF WILMINGTON.

clared to have been elected or to be mailed to his usual post office address. Said certificate shall be *prima facie* evidence of the right of the person to whom it is addressed to hold the office therein mentioned. Evidence.

SECTION 31. And the Council of said city at its meeting for organization on the first day of July next ensuing the city election, or if that day falls on a Sunday, then on the Monday following, shall examine the certificates so delivered to the clerk of City Council as aforesaid, and if there be no choice for Mayor, President of Council, City Treasurer, Assessor and Collector, or for member of Council in any of the wards, or any other city officer for whom votes shall have been cast, by reason of two or more candidates having an equal and the highest number of votes for any said offices, the Council shall proceed to elect one of said candidates for such office for which he is a candidate. Council shall examine the certificates. Council shall elect.

SECTION 32. If any candidate for any of the offices before mentioned shall choose to contest the right of any person claiming to have been elected to such office, such candidate shall within thirty days next after such election, cause to be presented to the said Council of Wilmington, his petition in writing, setting forth particularly the grounds and specifications upon which said election is contested, together with an affidavit that such petition is not for the purpose of vexation and delay, but that he does verily believe that he has just grounds for contesting such election and shall also at the same time cause to be delivered to the person whose election is contested, a true copy of such petition. Upon the filing of such petition and affidavit, the Council shall appoint a day, not less than ten nor more than fifteen days from the time of filing such petition and affidavit, for hearing and determining the same, giving public notice thereof in two newspapers published in the City of Wilmington, if so many be published at that time, and upon the day appointed for such hearing, the said City Council shall sit in the City Hall in the presence of such citizens and others as may choose to be present, shall hear the allegations and proofs of the party, and shall determine according to the very right of the matter. Evidence shall be confined to the grounds and specifications set forth in the petition. The Council shall have power to issue subpoenas signed by the President of Council for the time being, and attested by the clerk, for persons and papers, (including all poll lists, tally lists, statements and certificates delivered to the Department of the Election, clerks of Coun- In case of contest petition shall be presented. What petition shall set forth. True copy of petition to be delivered. Council shall give notice. Evidence shall be confined to the grounds and specifications. Council may issue subpoenas for persons and papers, &c.

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cil, Mayor of the city, or any of them) to administer oaths and affirmations, to examine witnesses, and to do all other things requisite to arrive at a full and perfect knowledge as to the right of the case. The decision of Council signed by its officers, shall be published in two newspapers printed in the City of Wilmington, if so many be published at that time, and shall be final and conclusive.

In case in-  
specter is  
absent.  
place how  
filled.

SECTION 33. If at the time for opening any city election, the inspectors, or a majority of them, be not present at the place of election, the voters there may without ballot by plurality, choose a person to supply the place of every such absent inspector.

Ballot box,  
how placed.

SECTION 34. Every ballot box shall be so placed at a window or elsewhere, that the voters depositing any ballot and each challenger, may conveniently see every ballot received by the inspectors and deposited in the ballot-box. No screen or other obstruction to such view of any ballot-box by the voter, or any challenger, shall be allowed.

No obstruc-  
tion  
allowed.

Depart-  
ment  
shall rent a  
room.

SECTION 35. The said Department of Election may rent some suitable and convenient place in the said City of Wilmington, and fit up the same for an office for the use of the said Department of Elections at a yearly rental not to exceed three hundred dollars.

All data,  
statistics,  
&c., to be  
open to  
inspection.

SECTION 36. All data and statistics and all registers, poll books and records of every kind and nature, which under this act, or under any laws of this State, or which in compliance with any direction, resolution, or order of the said Department of Elections are or may be required to be made, ascertained or kept by or returned to, or filed with the said Department of Elections, shall at all times during office hours, be open to the inspection, examination, comparison and copying of any citizen or elector, free of any charge whatever.

Shall not  
register in  
but one  
district.

SECTION 37. No person who is registered in one election district shall register or cause himself to be registered in another district.

Assent of a  
majority of  
inspectors  
shall in  
certain  
cases be  
obtained.

SECTION 38. For all power and authority and duties in this act prescribed for and conferred upon, and all actions required by inspectors of election, or of a board of said inspectors of election, save where such authority or actions is specifically allowed to any of said inspectors, the concurrence or assent of a majority of all the inspectors of election in any election district must in all cases be obtained.

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SECTION 39. No person shall be required to serve as an inspector of election under this act at any election district in the City of Wilmington for two successive terms.

Shall not be required to serve for a succeeding year.

SECTION 40. The several inspectors of election and poll clerks in this act named and created, are and shall be in all courts and proceedings deemed and held respectively to be election officers, and it shall be the duty of the said inspectors of election and poll clerks, respectively, or a majority of said inspectors, to be in constant attendance during the hours and time fixed for the discharge of their several duties.

Officers shall be deemed and held to be election officers, Inspectors or clerks to be in attendance.

SECTION 41. Any inspector of election, poll clerk, or any challenger appointed in compliance with the provisions of this act, shall at any time between the first day of registration, as required by this act, preceding the city election in each year and ten days after the official declaration and certificate of the result of any such election by the Department of Elections as in this act provided, have full power and authority to make a thorough and effective canvass of the election district in and for which he has been or was designated to serve and act upon any day of registration or election, and to make full inquiry respecting any and every resident of any dwelling, building, or other place of abode in any such election district, his age, term of residence, and qualifications as a voter, but the power and authority by this section conferred upon any inspector of election, poll clerk or challenger, shall wholly cease upon his resignation or removal from the office or position to which he was appointed or for which he was designated.

Inspector, clerk or challenger shall make a thorough canvass of his district, and to make full inquiry, &c.

SECTION 42. The inspectors of election in each election district of the City of Wilmington while discharging any of the duties imposed upon them by this act shall have full authority to preserve order and enforce obedience to their lawful commands at and around the place of registration or election, during the time of any registration election, or canvass, estimate, or return of votes; to keep the access to such places open and unobstructed, to prevent and suppress riots, tumult, violence, disorder, and all other improper practices tending to the intimidation or obstruction of voters, the disturbance or interruption of the work of registration or voting, or the canvass estimate, or return of votes, and to protect the voters and challengers from intimidation and violence; and the register, poll books, boxes and ballots from violence and fraud, and to appoint, or deputize if necessary, one or more

Inspectors shall have power to preserve order. &c.



## OF THE CITY OF WILMINGTON.

electors to communicate their orders and directions, and to assist in the enforcement thereof.

**SECTION 43.** The legal compensation of all members of the Department of Elections, inspectors of election, poll clerks and other officers of election, the cost and expenses of all necessary election notices, posters, maps, advertisements, registers, books, blanks and stationery, the rent and cost of fitting up, warming, lighting, cleaning and safe keeping of all places of registration and polling places; of furnishing, repairing and carting ballot boxes, and all supplies of every kind and nature for city elections in the City of Wilmington, shall be a city charge, and shall upon proper certificates and vouchers be paid in the same manner as by law provided for the payment of other expenses of the said City of Wilmington. The City Council of the said City of Wilmington shall yearly levy upon the estates, real and personal, of the said City of Wilmington the amount estimated to be required to pay the expenses of registration and of all city elections which may be held in the said city during the year, and all other expenses incurred by virtue of the provisions of this act.

*Cost of expenses a city charge.*

*How paid.*

*City Council shall levy the estimated amount necessary to pay expenses of registration*

**SECTION 44.** It shall be the duty of the city surveyor of the city of Wilmington to furnish to the Department of Elections, upon their request, a map, or maps of the several wards of said city, or any and all portions thereof.

*Duty of city surveyor.*

**SECTION 45.** Hereafter it shall not be lawful for any of the authorities, officers, or agents, of the city government of the City of Wilmington, to number or re-number any street, avenue, alley, lane, road or way in said City of Wilmington, or to anywise change or alter any such number save between the first day of July and the last day of December of any year.

*Unlawful for the agents of the city government to number streets, &c.*

**SECTION 46.** It shall be unlawful for any inspector of election, poll clerk or challenger during the election or canvass of ballots, to have or keep any ballots behind the boxes, or within the polling place, or for them or any person or persons within the polling place to electioneer, distribute tickets or ballot, or engage in any political discussion, any violation of this section shall be a misdemeanor and shall be punished by imprisonment in the county jail for not more than ninety days, or by fine not more than two hundred dollars or both.

*Unlawful for inspector, poll clerk or challenger to keep ballots behind the boxes, &c., or in the polling place to distribute tickets, &c.*

*Penalty.*

**SECTION 47.** Whoever during the sitting of any board of inspectors of election in any election district in the City of

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Wilmington, whether held for the purpose of registration, reception or canvass of votes, or of making return thereof, shall bring, take, order, or send into, or shall cause to be taken, brought, ordered or sent into, or shall attempt to bring, take or send into any place of registration or election, any distilled or spiritous liquors whatever, or shall at any such time and place, drink or partake of any such liquor, shall be deemed and held to be guilty of a misdemeanor, and shall be punished by imprisonment in the county jail for not more than ninety days or by a fine not more than one hundred dollars or both.

Shall not  
bring, take  
or send into  
any place of  
registration  
liquors.

Penalty.

SECTION 48. If at any registration of voters, or at any meeting of inspectors of election held for such purpose as provided in this act, any person shall falsely personate an elector or other person and register or attempt or offer to register in the name of such elector or other person, or if any person shall knowingly or fraudulently register, or offer, or attempt, or make application to register in or under the name of any other person, or in or under any false, assumed or fictitious name or in or under any name not his own; or shall knowingly or fraudulently register in two election districts, or having registered in one district shall fraudulently attempt or offer to register in another, or shall fraudulently register, or attempt, or offer to register in any election district not having a lawful right to register therein, or shall knowingly or wilfully do any unlawful act to secure registration for himself or any other person, or shall knowingly, wilfully or fraudulently, by false personation or otherwise, or by any unlawful means, procure or attempt to cause or procure the name of any qualified voter in any election district to be erased or stricken from any register of the voters of such district made in pursuance of this act or otherwise than is in this act provided; or by force, threat, menace, intimidation, bribery, reward, or offer, or promise thereof, or unlawful means, prevent, hinder or delay any person having a lawful right to register or to be registered from duly exercising such right, or who shall knowingly, wilfully or fraudulently compel or induce, or attempt or offer to compel or induce by such means, or any unlawful means, any inspector of election or officer of registration in any election district to register or admit to registration any person not lawfully entitled to registration in such district, or to register any false, assumed or fictitious name, or any name of any person except as provided in this act, or shall knowingly or wilfully, or fraudu-

Unlawful to  
falsify, per-  
sonate or at-  
tempt to  
register or  
do any act  
to secure an  
unlawful  
registration

Unlawful  
to prevent,  
hinder or  
delay per-  
sons from  
registering.  
or to induce  
or compel  
inspector or  
officer to  
register  
persons not  
entitled to  
register.

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Penalty. lently interfere with, hinder, or delay any inspector of election or other officer of registration in the discharge of his duties, or counsel, advise or induce, or attempt to induce any such inspector or other officer to refuse or neglect to comply with or to perform his duties, or to violate any law prescribing or regulating the same, or shall aid, counsel, procure or advise any voter, person, inspector of election, or other officer of registration to do any act by law forbidden or in this act constituted an offense, or to omit to do any act by law directed to be done, every such person shall, upon conviction thereof be adjudged guilty of a misdemeanor, and shall be punished by imprisonment in the county jail not more than two years, or by fine not more than two hundred dollars, or both.

Unlawful for persons to personate an elector. SECTION 49. If at any election hereafter held in the City of Wilmington, any person shall falsely personate any elector or other person, and vote or attempt or offer to vote in or upon the name of such elector or other person, or shall vote or attempt to vote in or upon the name of any other person, whether living or dead, or in or upon any false, assumed or fictitious name, or in or upon any name not his own, or shall knowingly, wilfully or fraudulently vote more than once for any candidate for the same office or shall vote or attempt or offer to vote in any election district without having a lawful right to vote therein, or vote more than once or vote in more than one election district or having once voted, shall vote or attempt or offer to vote again, or shall knowingly, wilfully or fraudulently do any unlawful act to secure an opportunity for himself or for any other person to vote, or shall by force, threat, menace, intimidation, bribery or reward or offer or promise thereof, or otherwise unlawfully, either directly or indirectly influence or attempt to influence any elector in giving his vote or prevent or hinder, or attempt to prevent or hinder any qualified voter from freely exercising the rights of suffrage or by any such means induce or attempt to induce any such voter to refuse to exercise any such right, or shall by any such means or otherwise compel or induce or attempt to compel or induce any inspector of election, or other officer of election in any election district to receive the vote of any person not legally qualified or entitled to vote at the said election in such district, or shall knowingly, wilfully or fraudulently interfere with, delay or hinder in any manner any inspector of election, poll clerk or other officer of election in the discharge of his duty or by any of such means or other unlawful means knowingly, wilfully or fraudulently counsel, advise, induce or at-

Unlawful to attempt or offer to vote unless legally qualified.

Unlawful to interfere with inspector or clerk in any manner.

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tempt to induce any inspector of election, poll clerk or other officer of election whose duty it is to ascertain, proclaim, announce or declare the result of any such election, or to give or make any certificate, document, report, return or other evidence in relation thereto, to refuse or neglect to comply with his duty or to violate any law regulating the same or to receive the vote of any person in any election district not entitled to vote therein, or to refuse to receive the vote of any person entitled to vote therein, or shall aid, counsel or advise, procure or assist any voter, person or inspector of election or other officer of election, to do any act by law forbidden or in this act constituted an offense, or to omit to do any act by law directed to be done, every such person shall upon conviction thereof, be adjudged guilty of a misdemeanor and shall be punished for each and every such offense by imprisonment in the county jail for not more than two years, or by a fine not more than two hundred dollars, or both. Penalty.

SECTION 50. If any poll clerk or any inspector of election performing the duty of poll clerk shall wilfully keep a false poll list or shall knowingly insert in his poll list any false statement or any name or statement or any check, letter or mark except as in this act provided, he shall upon conviction thereof, be adjudged guilty of a misdemeanor and shall be punished by imprisonment in the county jail for not more than two years, or by a fine of not more than two hundred dollars, or both. Unlawful for clerk or inspector to keep a false poll list.  
Misdemeanor.

SECTION 51. Every inspector of election who shall wilfully exclude any vote duly tendered, knowing that the person offering the same is lawfully entitled to vote at such election, or shall wilfully receive a vote from any person who has been duly challenged in relation to his right to vote at such election without exacting from such person, such oath or other proof of qualification as may be required by law or who shall wilfully omit to challenge any person offering to vote whom he knows or suspects not to be entitled to vote, and who has not been challenged by any other person, shall upon conviction thereof be adjudged guilty of a misdemeanor, and shall be punished by imprisonment in the county jail for not more than two years, or by a fine of not more than two hundred dollars, or both. Unlawful for inspector knowingly to exclude a vote duly tendered or to receive a vote duly challenged, &c.  
Misdemeanor.

SECTION 52. Every inspector of election, member of the Department of Elections, poll clerk or other officer authorized to take part in or perform any duty in relation to any canvass

## OF THE CITY OF WILMINGTON.

Persons making false canvass, or sign and deliver any false return, or destroy or cancel any certificate, guilty of a misdemeanor.

or official statement of the votes cast at any election, who shall wilfully make any false canvass of such votes, or who shall make, sign, publish or deliver any false return of such election or any false certificate or statement of the result of such election, knowing the same to be false, or who shall wilfully deface, destroy or conceal any statement or certificate entrusted to his care or custody, shall on conviction thereof, be adjudged guilty of a misdemeanor and shall be punished by imprisonment in the county jail not more than two years, or by a fine of not more than two hundred dollars, or both.

Persons who shall knowingly put or cause any ballot to be placed in box unless offered by elector, guilty of a misdemeanor.

SECTION 53. If any person other than an inspector of election shall at any such election, knowingly and wilfully put or cause to be put, any ballot or ballots or other paper having the semblance thereof into any box used at such election for the reception of votes, or if any such inspector shall knowingly and wilfully cause or permit any ballot to be in said box at the opening of the polls and before voting shall have commenced or shall knowingly and wilfully or fraudulently put any ballot or other paper having the semblance thereof into any such box at any such election unless the same shall be offered by an elector, and his name shall have been found and checked upon the registers as hereinbefore provided, or if any such inspector or other officer or person shall fraudulently before, during or after the canvass of ballots in any manner change, substitute or alter any ballot, or shall remove any ballot or semblance thereof, from or add any ballot or semblance thereof to the ballots found in any box, upon the closing of the polls, every such person shall upon conviction thereof be adjudged guilty of a misdemeanor and shall be punished by imprisonment in the county jail for not more than two years, or by a fine not more than two hundred dollars, or both.

Penalty.

Penalty for persons guilty of neglect of duty.

SECTION 54. If any member of the Department of Elections, inspector of election, poll clerk or other officer of registration, election or canvass of whom any duty is required in this act or by the general election laws of this State (so far as the same are consistent with the provisions of this act), shall be guilty of any wilful neglect of such duty, or of any corrupt or fraudulent conduct or practice in the execution of the same, he shall, on conviction thereof, be adjudged guilty of a misdemeanor, and shall be punished by imprisonment in the county jail for not more than two years, or by a fine of not more than two hundred dollars, or both.

## OF THE CITY OF WILMINGTON.

SECTION 55. Every inspector of election, poll clerk, or other officer or person having the custody of any record, register of votes, or copy thereof, oath, return of votes, certificate, poll lists, or any paper document or evidence of any description in this act directed to be made, filed or preserved, who is guilty of stealing, wilfully destroying, mutilating, defacing, falsifying or fraudulently removing or secreting the whole or any part thereof, or who shall fraudulently make any entry, erasure or alteration therein, except as allowed and directed by the provisions of this act; or who permits any other person so to do, shall upon conviction thereof, be adjudged guilty of a misdemeanor, and shall be punished for each and every offense by imprisonment in the county jail not exceeding two years, or pay a fine of not more than two hundred dollars, or both.

Persons having custody of records, &c., who shall mutilate, deface or destroy or alter the same guilty of a misdemeanor.

Penalty.

SECTION 56. Every person not an officer, such as is mentioned in the last preceding section, who is guilty of any of the acts specified in said section, or who advises, procures or abets the commission of the same, or any of them, shall, upon conviction thereof, be adjudged guilty of a misdemeanor, and for each and every such offense, shall be punished by imprisonment in the county jail not exceeding two years, or by a fine not more than two hundred dollars, or both.

SECTION 57. Any person who shall be convicted of wilful and corrupt false swearing or affirming in taking any oath or affirmation prescribed by or upon any examination provided for in this act, shall be adjudged guilty of wilful and corrupt perjury.

Persons swearing or affirming falsely, guilty of perjury.

SECTION 58. Every person who shall wilfully and corruptly instigate, advise, induce or procure any person to swear or affirm falsely, as aforesaid, or attempt or offer so to do, shall be adjudged guilty of subornation of perjury, and shall upon conviction thereof, suffer the punishment directed by law in cases of wilful and corrupt perjury.

Any person who shall advise or induce persons to swear falsely subject to same punishment as in cases of perjury.

SECTION 59. If any person shall fraudulently change or alter the ballot of any elector, or substitute one ballot for another, or fraudulently furnish any elector with a ballot containing more than the proper number of names, or shall intentionally practice any fraud upon any elector to induce him to deposit a ballot as his vote, and to have the same thrown out and not counted, or to have the same counted for a person or candidate other than the person or candidate for whom such elector intended to vote, or otherwise defraud him of his

Unlawful to fraudulently alter the ballot of an elector.

## OF THE CITY OF WILMINGTON.

Misdemeanor.  
Penalty.

vote, every such person shall, on conviction thereof, be adjudged guilty of a misdemeanor and shall be punished by imprisonment in the county jail for not more than two years, or by a fine of not more than two hundred dollars, or both.

Person disobeying  
command of  
inspector.

Misdemeanor

SECTION 60. If any person shall wilfully disobey any lawful command of any inspector of election, or of any board of inspectors of elections, given in the execution of his or their duty as such at any election, he shall upon conviction thereof be adjudged guilty of a misdemeanor, and shall be punished by imprisonment in the county jail for not more than one year, or by a fine of not more than two hundred dollars, or by both.

Penalty for  
breach of  
the peace,  
&c., where  
by proceedings  
are  
impeded.

SECTION 61. If at any registration of voters, or on any day of election, or during the canvass of the votes cast thereat, any person shall cause any breach of the peace, or use any violence, or threats of violence, whereby any such registration, election, or canvass, shall be impeded or hindered, or whereby the lawful proceedings of any inspector of election or board of inspectors of election, or poll clerk, or other officer of such election, or challenger, as hereinbefore provided, are interfered with, every such person shall upon conviction thereof be adjudged guilty of a misdemeanor, and shall be punished by imprisonment in the county jail for not more than two years, or by a fine of not more than two hundred dollars, or both.

Persons obstructing,  
hindering  
or assaulting  
inspector or other  
officers  
guilty of a  
misdemeanor.

SECTION 62. If any person shall knowingly or wilfully obstruct, hinder, assault, or by bribery, solicitation, or otherwise, interfere with any inspector of election, poll clerk, or challenger, in the performance of any duty required of him or which he may by law be authorized or permitted to perform, or if any person by any other means before mentioned or otherwise unlawfully shall on the day of registration or of election hinder or prevent any inspector of election, poll clerk or challenger in his free attendance and presence at the place of registration or of election in the election district in and for which he is appointed or designated to serve, or in his full and free access and egress to and from any such place of registration or of election, or to and from any room where any such registration or election or canvass of votes or of making any returns or certificates thereof may be had, or shall molest, interfere with, remove or eject from any such place of registration, or poll of election, or of canvassing ballots cast thereat, or of making the returns or certificates thereof, any

## OF THE CITY OF WILMINGTON.

such inspector of election, poll clerk, or challenger, or shall unlawfully threaten, or attempt, or offer so to do, every such person shall be guilty of a misdemeanor and on conviction thereof shall be imprisoned in the county jail for not more than two years, or by a fine of not more than two hundred dollars, or both. Penalty.

SECTION 63. Any inspector of election who shall wilfully neglect, or when called on, shall wilfully decline to exercise the powers conferred on him in this act, for any of the purposes set forth in Section 42 of this act shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by imprisonment in the county jail for not more than one year, or by a fine not more than two hundred dollars, or both. Penalty for neglect to exercise the powers conferred.

SECTION 64. If any person shall upon the day of any such election, or before the canvass of votes is completed, steal or wilfully break or destroy any ballot-box used or intended to be used at such election, or shall wilfully or fraudulently cancel, secrete or remove any such box from the custody of the inspectors of election, or shall alter, deface, injure, destroy or cancel any ballot which has been deposited in any ballot-box at such election which has not been already counted and canvassed, or any poll list used or intended to be used at such election, or any report, return, certificate, or other evidence in this act required or provided for, shall on conviction thereof be adjudged guilty of a misdemeanor and shall for each and every such offense be punished by imprisonment in the county jail for not more than two years, or by a fine of not more than two hundred dollars, or both. Unlawful to steal or break open ballot-box. Unlawful to deface ballots.

SECTION 65. If in any election district in any registration of voters or at any city election hereafter held in the City of Wilmington any inspector of election or poll clerk shall knowingly or wilfully admit any person to registration, or mark any entry upon any register of voters or poll books, or receive any vote or proceed with a canvass of ballots or shall consent thereto, unless a majority of the inspectors of election in said election district are present and concur, he shall upon conviction thereof be adjudged guilty of a misdemeanor and shall be punished by imprisonment in the county jail for not more than sixty days or by a fine of not more than one hundred dollars, or both. Unlawful for inspector or clerk to admit any person to registration, &c., except by consent of the majority of inspectors.

SECTION 66. Irregularities or defects in the mode of noticing, canvassing, polling or conducting any election authorized Irregularities no defence



## OF THE CITY OF WILMINGTON.

by this act, shall constitute no defense to a prosecution for a violation of the provisions of this act.

Evidence.

SECTION 67. Upon any prosecution for procuring, offering or casting an illegal vote the accused may give in evidence any fact tending to show that he honestly believed upon good reason that the vote complained of was a lawful one; and the jury may take such facts into consideration in determining whether the acts complained of were fully done or not.

Duty of the  
Attorney-  
general.

SECTION 68. It is hereby made the special duty of the attorney-general of the State of Delaware to immediately prosecute all complaints which may be made of a violation of any of the provisions of this act to final judgment; and it shall be the duty of the Department of Elections to notify the said attorney-general of all violations under this act.

Inconsist-  
ent laws  
repealed.

SECTION 69. That all laws, or parts of laws heretofore passed, inconsistent with any of the provisions of this act be and the same are hereby repealed.

Time of  
taking  
effect.

SECTION 70. This act shall take effect from its passage with this proviso that the next city election in the City of Wilmington in the month of June in the year eighteen hundred and eighty-seven, shall be held in accordance with the present existing laws, and none of the provisions of this act shall apply thereto.

*Passed at Dover, April 21, 1887.*

*Amended at Dover, April 25, 1889.*

## TITLE ELEVENTH.

### Of the Domestic Relations.

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#### CHAPTER 670.

##### OF THE DOMESTIC RELATIONS.

AN ACT to allow the putative father in bastardy cases to testify.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. That from and after the passage of this act, in all bastardy cases the accused or putative father shall be allowed to testify in his own behalf as to all matters material and relevant to his case. In bastardy cases putative father can testify.

*Passed at Dover, March 28, 1889.*

## TITLE TWELFTH.

## Of Titles to Real Property.

## CHAPTER 671.

## OF WILLS.

AN ACT to amend Section 25 of Chapter 84 of the Revised Statutes of the State of Delaware.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Chapter 84, Revised Code, amended, SECTION 1. That Section 25 of Chapter 84 of the Revised Statutes of the State of Delaware be and the same is hereby amended by striking out all of said section after the word "will" in the third line of said section, and inserting in lieu thereof the words "unless a contrary intention appear by the will."

*Passed at Dover, Delaware, February 6, 1889.*

## CHAPTER 672.

## OF CONVEYANCES OF REAL PROPERTY.

AN ACT to make valid the record of certain deeds.

Preamble. WHEREAS, There are many conveyances of land within this State of long standing, executed and delivered, *bona fide*, by the parties grantors, under which the parties, grantees named in said conveyances, and those claiming under them, have entered into and continuously held quiet and uninter-

## OF CONVEYANCES OF REAL ESTATE.

rupted possession of the premises so conveyed, for a period of twenty-four years and upwards, which said deeds were not acknowledged and certified in accordance with the requirements of the Laws of this State in force at the time of their execution, but have been nevertheless entered upon the records, by the recorders of deeds, in and for the several counties of this State.

AND WHEREAS, By reason of such defect the record of said deeds cannot be offered in evidence, Therefore,

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. That the record of any deed dated prior to the first day of January, A. D. 1865, and which was duly signed and sealed by the parties therein named as grantors, notwithstanding said deed had not been acknowledged or the private examination of any married woman party thereto had not been taken or certified in conformity with the requirements of the laws of this State, in force at the time of its execution, shall be and the same is hereby made valid and effectual in law, as if said deed had been correctly acknowledged and certified, and the said record or any office copy thereof shall be admitted as evidence in all courts of this State, and shall be as valid and conclusive evidence, as if said deed had been in all respects acknowledged and the acknowledgement certified in accordance with then existing laws.

SECTION 2. That no person being grantor in any conveyance mentioned in Section 1 of this act, or claiming by, through, from or under any such grantor, shall make any entry into or have or maintain any action for or make any claim to or in any lands, tenements or hereditaments conveyed by any such conveyance dated prior to the first day of January, A. D. 1865, and whereof the grantees therein or those claiming under them, have held quiet uninterrupted and exclusive possession since the delivery thereof, but shall be forever disbarred therefrom without saving or exception whatever, unless such entry be made or action brought within three calendar months from and after the passage of this act.

*Passed at Dover, April 3, 1889.*

Record to be evidence notwithstanding defects in acknowledgment.

Grantor shall not make claim or entry to lands conveyed prior to 1865.

Time to commence action.

## OF PARTITION OF INTESTATE LANDS.

## CHAPTER 673.

## OF PARTITION OF INTESTATE LANDS.

AN ACT to amend an act, entitled "An Act to authorize proceedings for partition of intestate lands to be begun in vacation."

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Section 1,  
Chapter 27,  
Volume 13,  
Laws of  
Delaware,  
amended.

SECTION 1. That Section 1, Chapter 27, Vol. 13 of the Laws of Delaware, be and the same is hereby amended by striking out after the word "returnable" in the eleventh line of said section, the following words, viz.: "to the next term of court," and inserting in lieu thereof, the following words, viz.: "to any adjourned or regular term of the court."

*Passed at Dover, April 26, 1889.*

# TITLE THIRTEENTH.

## Of the Administration of Estates.

### CHAPTER 674.

#### OF ADMINISTRATION OF ESTATES.

#### AN ACT to amend Chapter 89, Revised Code.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. That Chapter 89, Revised Code, 1874, be and the same is hereby amended by adding to the end of Section 1 of said Chapter, the following: Chapter 89,  
Revised  
Code,  
amended.

"In case any attesting and subscribing witness to a will shall be dead, or not within the State at the time such will is presented for probate, proof of the signature of such witness shall be sufficient. If that cannot be made, then proof of the signature of the testate shall be sufficient. In every such case, the parties interested shall have notice of the time for taking such proof. In respect to parties not within the State, the Register of Wills may order such service or publication of notice as he may deem proper." Proof of  
signature  
to will.  
  
Interested  
parties to  
have notice.

*Passed at Dover, April 4, 1889.*

## TITLE FOURTEENTH.

## Of Courts of Justice.

## CHAPTER 675.

## OF THE COURT OF CHANCERY.

AN ACT to amend Chapter 215 of Volume 17 of Laws of Delaware.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Chap. 215,  
Volume 17,  
amended.

Decrees of  
Court of  
Chancery.

SECTION 1. That Chapter 215 of Volume 17 of Laws of Delaware, be and the same is hereby amended in Section 4 thereof by inserting between the word "orders" and the word "which," in the second line of said section, the words "and decrees," and also by striking out at the end of said section the words "except to enter final decrees."

*Passed at Dover, Delaware, February 20, 1889.*

## CHAPTER 676.

## OF TRUSTEE ACCOUNTS.

AN ACT in relation to Trustee Accounts, filed in the office of the Register in Chancery, in and for New Castle County.

Preamble.

WHEREAS, The Register in Chancery in and for New Castle County has procured suitable books and has recorded therein the Trustee Accounts remaining on file and unrecorded in the said office which have been duly examined, ad-

## OF TRUSTEE ACCOUNTS.

justed and allowed by the Chancellor of the State of Delaware since the first day of January A. D. 1860.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. That the Levy Court of New Castle County be, and they are hereby, authorized and empowered to pay to the Register in Chancery aforesaid, for the Record Books aforesaid, and for the recording of the said Trustee Accounts as aforesaid, such an amount as in their discretion shall seem right and proper.

Levy Court  
to pay for  
record  
books, &c.

SECTION 2. *Be it further enacted,* That said recorded accounts shall be submitted to the Levy Court of said county for their inspection, and shall have attached thereto the affidavit of the said Register in Chancery of the correctness of the work, and if the said Levy Court shall be satisfied therewith, the same shall remain in the office of the said Register in Chancery as a part of the records thereof.

Recorded  
accounts to  
be submit-  
ted to the  
Levy Court  
with affi-  
davit of  
Register in  
Chancery.

*Passed at Dover, Delaware, March 20, 1889.*



## TITLE FIFTEENTH.

Of the Justices of the Peace.

### CHAPTER 677.

OF THE JUSTICES OF THE PEACE.

AN ACT to define certain duties of the Justices of the Peace.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. That from and after the first day of August, eighteen hundred and eighty-nine, it shall be the duty of every Justice of the Peace upon entering judgment upon any cause of action arising from any promissory note, bank check or due bill, or other evidences of indebtedness under the hand of the debtor, to endorse on such cause of action the year, month and day of entering such judgment with a reference to the docket, showing the page of such docket, and the number of such judgment, and shall file such cause of action in his office, which cause of action shall be a part of the record.

SECTION 2. That from and after the first day of July, eighteen hundred and eighty-nine, it shall be the duty of every Justice of the Peace upon entering judgment on an obligation by virtue of a warrant of attorney to endorse on such obligation the year, month and day of entering such judgment, with a reference to the docket, showing the page of such docket, and the number of such judgment, and shall file such obligation and warrant of attorney in his office which shall be a part of the record.

*Passed at Dover, March 21, 1889.*

## OF JURISDICTION IN CIVIL CASES BY JUSTICES OF THE PEACE.

## CHAPTER 678.

## OF JURISDICTION IN CIVIL CASES BY JUSTICES OF THE PEACE.

## AN ACT to amend Chap. 99, Revised Code.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. That Chap. 99, Revised Code, be and is hereby amended, by striking out the word "one hundred," and insert in lieu thereof the word "two hundred," where it occurs in Section one; also in Section four; also in Section eight; also in Section twelve; also in Section twenty-five; also in Section twenty-six, and also in Section thirty-two, so that the full and true intent of this amendment to Chap. 99, Revised Code, shall be to allow all Justices of the Peace, in this State to have full jurisdiction in all civil cases where the amount at issue is two hundred dollars, or under.

SECTION 2. *And be it further enacted,* That all laws in this State, that conflict with this amendment, are hereby repealed.

SECTION 3. *And be it further enacted,* That this act shall take effect on and after the first day of July, A. D. 1889.

Justice of the Peace to have jurisdiction in civil cases in cases up to \$200.  
Act to take effect July, A. D. 1889.

*Passed at Dover, April 26, 1889.*

## TITLE SIXTEENTH.

## Of Mechanics' Liens.

## CHAPTER 679.

## OF MECHANICS' LIENS.

AN ACT to amend the act entitled "An Act in relation to Mechanics' Liens," passed at Dover, March 20th, A. D. 1879.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. That Section 4 of Chapter 145, Volume 16, Laws of Delaware, passed at Dover, March 20th, 1879, be and the same is hereby amended by adding after the word "bridges" in the fifth line of said section, the words "and to the services rendered, and the work and labor performed and furnished or materials furnished, by an architect."

Section 4,  
Chapter 145,  
Volume 16,  
Laws of  
Delaware,  
amended.

*Passed at Dover, Delaware, February 13, 1889.*

## CHAPTER 680.

## OF EXECUTION.

AN ACT in relation to the advertisement of sheriff's sales.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. That in advertisements of notice of sale of real estate in newspapers, by the sheriff of any county in this State, under execution process, it shall be sufficient if the

Advertis-  
ments of  
sheriff sales.

## OF ATTACHMENTS.

property to be sold shall be described therein in such manner that the same may be readily identified. It shall not be necessary to describe the same by metes and bounds, or courses and distances. Nor shall it be necessary in any case to follow the description of the property in the writ of execution under which it is sold. Property how described. Not necessary to follow writ in description.

*Passed at Dover, April 19, 1889.*

## CHAPTER 681.

## OF ATTACHMENTS.

AN ACT to amend Section 1 of Chapter 90, of Vol. 14, Laws of Delaware, entitled "An Act concerning corporations."

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. That Section 1 of Chapter 90, Vol. 14, Laws of Delaware, be and the same is hereby is\* amended by striking out the words "chartered by act of the General Assembly of" in the first and second lines of said section and inserting in lieu thereof the following words "doing business in" Section 1 of Chap. 90, Volume 14, Laws of Delaware, amended.

*Passed at Dover, April 25th, 1889.*

\*So enrolled.

## TITLE TWENTIETH.

### Of Offences Against Public Justice.

#### CHAPTER 682.

##### OF OFFENCES AGAINST PUBLIC JUSTICE.

##### AN ACT in relation to crimes and punishments.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Females  
exempt  
from whip-  
ping and  
pillory,

That hereafter no female convicted of any crime in this State shall be whipped or be made to stand in the pillory.

*Passed at Dover, February 26, 1889.*

#### CHAPTER 683.

##### OF OFFENCES AGAINST PUBLIC POLICY.

##### AN ACT to prevent the illegitimate use of the insignia of the Grand Army of the Republic.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, as follows:*

Unlawful  
for persons  
not mem-  
bers of G.  
A. R. to  
wear badges  
&c., of said  
order.

SECTION 1. That it shall be unlawful for any person, not a member of the Grand Army of the Republic within this State, to wear, use or display any badge, button, or other insignia of the said Order, with intent to make it appear that he is a member of said Order, or entitled to any of the benefits

## OF OFFENCES AGAINST THE LIVES AND PERSONS OF INDIVIDUALS.

or advantages resulting from membership therein; and any person violating the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof by indictment shall be subject to a fine not exceeding twenty dollars for every such offence. <sup>Penalty for violating this act.</sup>

*Passed at Dover, March 13, 1889.*

## CHAPTER 684.

## OF OFFENSES AGAINST THE LIVES AND PERSONS OF INDIVIDUALS.

AN ACT to amend Chapter 226, Volume 18, of the Laws of Delaware.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. That Section 1 of Chapter 226, Volume 18, be and the same is hereby amended by striking out all that portion thereof beginning with the word "whenever" in the eighth line and ending with the word "chapter" inclusive, in the tenth line of said section. <sup>Section 1 of Chapter 226, Vol. 18, Laws of Delaware, amended.</sup>

*Passed at Dover, Delaware, March 21, 1889.*

## OF OFFENCES AGAINST PUBLIC POLICY.

## CHAPTER 685.

## OF OFFENCES AGAINST PUBLIC POLICY.

AN ACT to guard against accidents at public highway crossings of railroads.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, as follows:*

Corporations operating railroads to blow whistle

Proviso.

Further proviso.

Penalty for violating Section 1 of this act.

Fine, how recoverable

Act to go into effect July 1, 1889

SECTION 1. That it shall be and is hereby made the duty of every corporation operating any line of railroad within this State, to cause the approach of its locomotive engines to every public highway, crossing such line of railroad at grade, to be signaled by sounding two long blasts followed by two short blasts of the steam whistle on every such locomotive engine at least three hundred yards from such crossing; *Provided however*, that where two or more public highways cross any such railroad within a distance of four hundred yards, the signal for the crossing first reached shall answer for all; *And provided further*, that the provisions of this act shall not apply to the City of Wilmington, nor to any other crossings than those at grade, nor to any such as now are or may hereafter be guarded by a watchman, or protected by safety gates.

SECTION 2. That if any corporation shall neglect or omit the performance of the duty prescribed and imposed by Section 1 of this act, the corporation so offending shall forfeit and pay for the first offence the sum of twenty dollars, for the second offence the sum of forty dollars and for every subsequent offence a sum not exceeding one hundred dollars, which shall be recoverable in an action of debt before a Justice of the Peace in the name of the State of Delaware, with right of appeal to the Superior Court in every case. All moneys collected under this section shall go into and form part of the revenues of the school fund.

SECTION 3. This act shall go into operation and take effect on the first day of July, A. D. 1889, and immediately on its taking effect, the statute now in force regulating the matter referred to in Section 1 of this act shall be forthwith repealed and of no effect.

*Passed at Dover, March 22, 1889.*

## OF OFFENCES AGAINST MORALITY.

## CHAPTER 686.

## OF OFFENCES AGAINST MORALITY.

## AN ACT for the better protection of female children.

*Be it enacted by the Senate and House of Representatives of the General Assembly of the State of Delaware:*

SECTION 1. Whoever takes, receives, employs, harbors or uses, or causes or procures to be taken, received, employed, harbored, or used, a female under the age of fifteen years for the purpose of sexual intercourse; or whoever being proprietor or proprietress of any house of prostitution, reputed house of prostitution, or assignation, house of ill-fame or assignation, harbors or employs any female in any such house, under the age of fifteen years, under any pretext whatever, shall be deemed guilty of a misdemeanor and upon conviction thereof in the Court of General Sessions of the Peace and Jail Delivery of this State shall be fined not more than one thousand dollars, or imprisoned for a term of not more than seven years, or both, at the discretion of the court.

Unlawful to employ or harbor a female under 15 years for purposes of sexual intercourse.

Penalty for violating this act.

SECTION 2. The terms "house of prostitution," "reputed house of prostitution," "assignation house of ill-fame or assignation," include all premises which by common fame or report are used for purposes of prostitution or assignation.

What are houses of ill-fame or prostitution under this act.

*Passed at Dover, March 29, 1689.*

## CHAPTER 687.

## OF CANADA THISTLES.

## AN ACT to prevent the spread of Canada Thistles.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. That it shall be the duty of every owner, tenant and occupier of land in this State to cut down, or cause to be cut down, all the Canada thistles growing thereon,

Owners of land to cut down Canada thistles.



## OF CANADA THISTLES.

Persons  
letting  
thistles  
grow deem-  
ed a com-  
mon nuis-  
ance.

so after\* in each and every year as shall be sufficient to prevent them from going to seed. If any such owner, tenant or occupier of land shall knowingly suffer any such Canada thistles to grow thereon, and the seed to ripen, so as to cause or endanger the spread thereof, he shall be deemed guilty of a common nuisance, and upon conviction thereof before any Justice of the Peace in this State shall be fined not exceeding five dollars.

Duty of  
owner of  
roads to cut  
down  
Canada  
thistles:  
also duty of  
overseer of  
roads.

SECTION 2. That it shall be the duty of each overseer of roads in this State to cut down, or cause to be cut down, all the Canada thistles growing on the road or highway over which he has charge or supervision, so after \*in each and every year as shall be sufficient to prevent them going to seed. If any such overseer of roads shall knowingly suffer such Canada thistles to grow on the road or highway over which he has charge or supervision and the seed to ripen, so as to cause or endanger the spread thereof, he shall be deemed guilty of a common nuisance and upon conviction thereof before any Justice of the Peace in this State shall be fined not exceeding five dollars.

Justice of  
the Peace  
to have  
jurisdiction.

SECTION 3. That the Justice of the Peace in this State shall have jurisdiction of all offences against the provisions of this act, and upon affidavit made that a person has violated any of the provisions of this act, it shall be the duty of any Justice of the Peace in the county in which the offense was committed, forthwith to issue his warrant directed to the sheriff, or in his absence to any constable, commanding him to arrest the person so charged and to bring him forthwith before such Justice for trial.

Public act.

SECTION 4. That this act shall be deemed and taken to be a public act.

*Passed at Dover, April 2, 1889.*

\*So enrolled.

## OF OFFENCES AGAINST PRIVATE PROPERTY.

## CHAPTER 688.

## OF OFFENCES AGAINST PRIVATE PROPERTY.

AN ACT for the protection of the property of Electric Light Companies.

*Be it enacted by the Senate and House of Representatives of the State of Delaware, in General Assembly met:*

SECTION 1 That if any person shall wilfully loosen, Unlawful to  
injure or destroy any lamp or lamps, wheresoever the same loosen, in-  
may be situated or located in this State, belonging to any jure or de-  
corporation, company, firm, individual or individuals en- stroy lamps  
gaged in the business of manufacturing or generating electric belonging to  
ity for lighting purposes, or shall wilfully place any obstruc- corpora-  
tion or obstructions of any kind, on or against any wire or wires tions, firm  
belonging to such corporation, company, firm, individual or or indi-  
individuals used for conveying currents of electricity for viduals.  
public or private purposes, or shall wilfully mutilate, remove, Obstruction  
injure or destroy any pole or poles, cross-arms, wires, brack- of electric  
ets, insulators, connections or appurtenances whatsoever belong- wires.  
ing thereto, belonging to such corporation, company, firm, indi- Shall not  
vidual or individuals either before or after the erection of the wilfully in-  
same, and shall obstruct or in any way interfere with such jure, re-  
corporation, company, firm, individual or individuals, their move or  
agents, employees or workmen in their work of erecting, destroy any  
repairing or improving the pole line or lines along any lane, poles, &c.  
alley, street or public highway, when permission for so erect- Company.  
ing, repairing or improving has been granted by the proper  
authorities, he shall for each and every such offense be  
deemed guilty of a misdemeanor and upon conviction thereof Penalty for  
shall be fined not less than ten dollars nor more than one violating  
hundred dollars. One-half of the fine in each case shall be this act.  
paid to the informer and one-half to the State.

*Passed at Dover, April 5, 1889.*

## OF OFFENCES AGAINST PRIVATE PROPERTY.

## CHAPTER 689.

## OF OFFENCES AGAINST PRIVATE PROPERTY.

AN ACT to prevent the disfigurement of public and private property.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Unlawful to  
paint, post  
or have sign  
on private  
property  
without  
consent of  
owner.

Violation of  
this act to  
be a misde-  
meanor.  
Fine.

Owner to  
have por-  
tion of  
road or  
street to  
its middle.

Name of  
firm or in-  
dividual on  
a bill or  
placard to  
be prima  
facie evi-  
dence..

SECTION 1. Whoever shall hereafter post, paint, burn, set up, or expose any bill, placard or advertisement, or cause the same to be posted, painted, burnt, set up or exposed upon the property or premises of any other person without the consent of the legal owner or custodian of such property or premises first obtained for that purpose, shall be deemed guilty of a misdemeanor, and upon conviction thereof in the Court of General Sessions of the Peace and Jail Delivery shall be fined in a sum not exceeding two hundred dollars or imprisonment for a term not exceeding one year or both at the discretion of the court.

The owner of any property or premises fronting on any public street or road shall for the purposes of this act be deemed and taken to be the legal owner of the rocks, trees, walls and fences in front of such property or premises to the middle or centre line of such street or road.

SECTION 2. The name or part of the name of any person or persons or corporation appearing in any such bill, placard, or advertisement or the fact that the goods, wares, merchandise or business of any person or persons or corporation is advertised by such bill, placard or advertisement shall be *prima facie* evidence of its presence there by the authority or with the knowledge of such person or the officers of such corporation.

*Passed at Dover, April 9, 1889.*

## OF TRESPASS.

## CHAPTER 690.

## OF TRESPASS.

AN ACT to amend Chapter 483, Vol. 15, Laws of Delaware.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. That Chapter 483, Volume 15, Laws of Delaware, be and the same is hereby amended by adding thereto the following, to wit: Such appeal shall be allowed by the Justice at any time within five days from the day of giving the judgment and not after, counting that day as one upon the party entitled to the appeal, or his agent or attorney praying it and offering sufficient security in such sums as the Justice shall deem sufficient to cover the judgment appealed from and the costs on the appeal, the Justice shall make an entry thereof as follows: "On the                      day of                      , 18                      , the said A. B. appeals and C. D. becomes surety in the sum of                      that the said appeal shall be prosecuted with effect, and also that any judgment which shall be rendered against the said A. B. or his executors or administrators upon said appeal, shall be satisfied," which entry shall be signed by the surety or it shall be void; when signed it shall be an obligation of record, and shall, to the extent of the sum therein expressed bind the surety or sureties and their executors and administrators jointly and severally, to satisfy any judgment that shall be rendered on the appeal against the party appealing or his executors or administrators; and if the appeal shall not be duly entered in the court or shall be dismissed, then to satisfy the judgment appealed from with all costs on the appeal; and execution may issue against the defendant and surety, according to Section 14 of Chapter 99 of the Revised Statutes. The Attorney-General shall appear for the State in the appeal. If the appeal shall not be duly entered or shall be dismissed, the Prothonotary, on application of the Attorney-General, shall certify the same to the Justice who rendered the judgment appealed from or who may have the custody of dockets of said Justice, and the said Justice shall forthwith issue execution as provided by Section 14 of Chapter 99 of the Revised Code.

Chapter 483, Volume 15, Laws of Delaware, amended.

Appeal to be allowed by the Justice at any time within 5 days by giving security.

Justice's entry, form of.

Entry to be signed by surety.

In case of failure to appeal execution may issue.

Attorney-general to appear for State.

Prothonotary to certify to Justice.

*Passed at Dover, April 9, 1889.*

## OF OFFENCES AGAINST THE LIVES AND PROPERTY OF INDIVIDUALS.

## CHAPTER 691.

## OF OFFENCES AGAINST THE LIVES AND PERSONS OF INDIVIDUALS.

AN ACT to amend Section 1, of the "Act to prevent illegal arrests in this State, Revised Code, page 709."

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Section 1 of  
act to pro-  
vent illegal  
arrests  
amended.

SECTION 1. The first section of the aforesaid act is hereby amended as follows:

First, by adding after the words "United States" in the 9th line thereof and before the parenthesis, these words, "or to detain a party where there is probable cause to believe he has recently committed a crime and that without such arrest he would escape justice."

Second, strike out the words "then and there" in the 16th line of said section, and insert these words in lieu thereof, "as soon as may be under the circumstances."

*Passed at Dover, April 19, 1889.*

## CHAPTER 692.

## OF EMBEZZLEMENT.

AN ACT to amend Chapter 153, Vol. 16, Laws of Delaware. Offences against private property.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Chapter 153,  
Volume 16,  
Laws of  
Delaware,  
amended.

SECTION 1. That the act entitled "An Act concerning embezzlement and defalcation by corporate officers and others," Chapter 153, Vol. 16, Laws of Delaware, be and the same is hereby amended by striking out Section 1 of said act and substituting in lieu thereof the following, viz.:

That every cashier, servant, agent, or clerk to any person, or to any body corporate, or being employed for the purpose,

## OF EMBEZZLEMENT.

or in the capacity of a cashier, servant, agent, or clerk, by any person or body corporate, who shall embezzle, fraudulently abstract, or misapply any money, goods, bill, note, bond, check, evidence of debt, or other valuable security, or effects, which, or any part whereof, shall be delivered to, or received, or taken into possession by him, or to which he has access for, or in the name, or on account of his master, or employer, although such money, goods, bill, note, bond, check, evidence of debt, or other valuable security, or effects, was not received into the possession of such master, or employer, otherwise than by the actual possession of his cashier, servant, agent, clerk, or other person, so employed, shall be deemed guilty of a misdemeanor, and shall, on conviction thereof, be imprisoned for a term not less than two years, nor more than ten years. In every indictment for a violation of this section, when the offence shall relate to coin or notes circulating as money, it shall be sufficient to allege the embezzlement to be of money without specifying any particular coin, or notes circulating as money, and such allegation, so far as regards the description of the property, shall be sustained, if the offender shall be proved to have embezzled any amount of coin or notes circulating as money, although the particular species of coin or notes circulating as money, of which such amount was composed, shall not be proved.

Cashier, servant, agent, or clerk embezzling any money, notes, &c. to be guilty of misdemeanor.

Indictment.

Description of money or goods.

*Passed at Dover, April 25, 1889.*

## MISCELLANEOUS.

### CHAPTER 693.

#### OF THE BURIAL OF INDIGENT SOLDIERS, SAILORS AND MARINES.

AN ACT to provide for the proper burial of any indigent Soldier, Sailor or Marine, who shall have served in the army or navy of the United States in any war in which it has been engaged, and honorably discharged therefrom, and who shall hereafter die within this State.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, as follows:*

SECTION 1. That there shall be and is hereby appropriated out of the public treasury of this State the sum of twenty-five dollars for the proper interment of each and every indigent soldier, sailor or marine who shall have served in the army or navy of the United States in any war in which it has been engaged and been honorably discharged therefrom who shall hereafter die within this State, being at the time an inhabitant thereof and leaving insufficient means to defray the expense of his interment.

Twenty five dollars appropriated to any indigent soldier, sailor or marine.

Bequest of money, how made.

SECTION 2. That the sum of twenty-five dollars appropriated by the preceding section shall be paid only on the following conditions and in the manner hereinafter stated, viz: Whenever the commander of the nearest Post of the Grand Army of the Republic shall be notified of the death of any such indigent soldier, sailor or marine and shall upon careful investigation ascertain that the person so dying was not possessed of sufficient means to defray the expense of interment, and shall make and forward his written certificate stating the facts as ascertained by him together with a requisition on the funds of the Grand Army for the sum of twenty-five dollars to the Department Commander of this State, and if such Department Commander shall upon examining such certificate find it to be a case falling within express provisions of this act, and shall approve the said requisition and direct the payment of the same out of the funds of the Grand Army

## OF CORPORATE SURETYSHIP.

belonging to the said department, then and in such case the said Department Commander is authorized to draw a draft on the State Treasurer for the sum of twenty-five dollars ap-  
Draft upon the State Treasurer.  
 pending thereto the certificate of the Post Commander who had made the investigation. Such draft shall state the name of the person for whose burial the said sum of twenty-five dollars shall have been expended and the place of his residence at the time of his death. The State Treasurer shall pay all such drafts as shall be drawn in accordance with the requirements of this section and shall make a special report of the same to the Governor to be laid before the General Assembly at the session next after the payment thereof.  
What draft must state or contain.

*Passed at Dover, March 15, 1889.*

## CHAPTER 694.

## OF CORPORATE SURETYSHIP.

AN ACT in relation to Corporate Suretyship and Foreign Surety Companies.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, as follows, to wit:*

SECTION 1. That any corporation duly chartered by any of the United States or foreign country, and authorized and empowered by its charter to transact the business of Fidelity Insurance and Corporate Suretyship within the State or country from which it derives its charter, and having a paid-up capital of at least one hundred and fifty thousand dollars, or a paid-up capital and other resources amounting altogether to at least one hundred and fifty thousand dollars, may be admitted to do such business in this State upon filing and keeping in the office of the Insurance Commissioner a power of attorney executed under the seal of such company, designating a resident of this State as its attorney, upon whom all process and papers in any suits brought in any court of this State against such company may be served, which said at-  
Fidelity Insurance and corporate suretyship.  
 Capital stock.  
 Company to designate resident on whom papers may be served.



## OF CORPORATE SURETYSHIP.

torney may be thereby authorized and directed to cause the appearance of such company to be entered to any such suits.

Copy of  
charter to  
be filed  
with Insur-  
ance Com-  
missioner.

Annual  
statement  
and fees.

SECTION 2. Every such company applying for admission to transact business in this State, shall file with the Insurance Commissioner a copy of its charter and its last annual statement showing its assets and liabilities; and annually thereafter, it shall file a like annual statement, and shall pay such fees to the Insurance Commissioner as are now, or may hereafter be provided by law with respect to insurance companies.

When they  
may become  
surety.

SECTION 3. Every such company complying with the provisions of this act is hereby fully invested with power to execute and deliver bonds insuring the fidelity of persons holding positions of responsibility and trust, public or private, of becoming sole surety in any case where, by law, a bond or bonds with one or more sureties may be required or permitted for any legal purpose whatsoever, including the case of surety upon contracts, public and private official bonds, and cases pending in any of the courts of this State, except bail bonds in criminal cases.

Public offi-  
cer may  
afterwards  
accept sur-  
ty.

Levy Court  
may accept  
bond for  
collectors

SECTION 4. Any public officer or department of State, county or municipal government, whose duty it may or shall hereafter be to approve the surety upon any bond or bonds, may in his or their discretion, accept and approve such bonds when executed by the principal therein, and any surety company duly authorized to do business in this State under the provisions of this act. The Levy Court of the several counties of this State may be, and they are authorized in their discretion to accept such bonds as security for Collectors of county taxes in lieu of the security now provided for by the laws of this State.

Taxes may  
be imposed.

SECTION 5. Any company admitted to do business in this State under the provisions of this act, shall pay such tax or taxes as may hereafter be imposed upon such companies; and it shall be the duty of any officer receiving such tax or taxes to issue to such company or its agent, upon the payment of such tax, receipts therefore in duplicate, and such company, or its agent, shall thereupon deliver to the Insurance Commissioner one of such duplicate receipts and the Insurance Commissioner shall not issue any certificate of authority to do business in this State to any company in arrears for any taxes due to this State.

*Passed at Dover, March 28, 1889.*

OF THE LIABILITY OF INSURANCE COMPANIES.

CHAPTER 695.

OF THE LIABILITY OF INSURANCE COMPANIES.

AN ACT to define the liability of Fire Insurance Companies in certain cases.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. Whenever any policy of insurance shall be issued to insure any real property in this State against loss by fire, tornado or lightning, and the property insured shall be wholly destroyed without criminal fault on the part of the insured, or his assigns, the amount of the insurance stated in such policy shall be taken conclusively to be the true value of the property insured and the true amount of loss and measure of damages; and every such policy, whether hereafter issued or renewed, shall have endorsed across the face of it the following: "It is agreed between insurer and insured that the value of the insured property is of the sum of \$—;" and this estimate shall be binding on both parties as to value, and in case any owner shall effect any subsequent insurance upon any larger value than so agreed, all insurance as well as that then existing as that subsequently obtained shall become void.

Liability of insurance companies upon policies.

Policy to have endorsed upon its face a contract.

SECTION 2. This act shall apply to all policies of insurance hereafter made or issued upon real property in this State, and also to the renewal which shall hereafter be made, of all policies heretofore issued in this State, and the contracts made by such policies and renewals shall be construed to be contracts made under the laws of this State.

This act to apply to all real property insured in this State

SECTION 3. The court upon rendering judgment against any insurance company upon any such policy of insurance, shall allow the plaintiff a reasonable sum as an attorney's fee to be taxed as part of the costs.

SECTION 4. This bill shall not take effect until on and after January 1st, (1890), eighteen hundred and ninety.

To go into effect Jan. 1st, 1890.

*Passed at Dover, Delaware, March 29, 1889.*

## OF FARMERS' INSTITUTES.

## CHAPTER 696.

## OF FARMERS' INSTITUTES.

## AN ACT providing for Farmers' Institutes.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Farmers' Institute to be held annually in each county

Objects of institutes.

Organization of institutes.

Clerks of the Peace to call meeting for organization,

Expenses, how paid.

SECTION I. That hereafter a Farmers' Institute shall be held annually in each county of this State. The meetings for organizing these institutes respectively shall be called as hereinafter provided; afterwards they shall be held at such times and places as the members thereof may either in general meeting or by their executive committee determine. The objects of these institutes shall be the discussion, orally or by written essays or papers, of agricultural and kindred matters, and for the dissemination of agricultural knowledge among the farmers of this State.

SECTION II. The first meeting for the purpose of organizing shall be held in the county court house of each county respectively on the third Saturday of May, A. D. 1889, at 2 o'clock, afternoon; and each of the Clerks of the Peace of the several counties, shall give notice in two newspapers in his county by two insertions at least one week apart, and the last one not more than one week prior thereto, of such meetings for organization. He shall also attend and call the meeting to order and preside until a President be chosen. The expense of notices so published shall be paid by the respective counties on bills approved by the Clerk of the Peace ordering them. The notice shall be in this form:

## NOTICE.

Form of notice.

The farmers of \_\_\_\_\_ County are hereby invited to meet in the County Court House, on Saturday, the 18th day of May, 1889, at 2 o'clock, afternoon, for the purpose of organizing a Farmers' Institute in pursuance of an act of the General Assembly passed for that purpose.

May \_\_\_\_\_, 1889.

\_\_\_\_\_  
Clerk of the Peace.

Officers.

SECTION III. The officers of the Farmers' Institutes herein provided for shall be a President, Vice-President, Sec-

## OF MEMORIAL DAY.

retary, Treasurer and Executive Committee of not less than five nor more than nine members, and such other and additional officers as may be provided for by the by-laws or resolution of the institutes respectively. None of the officers shall receive any compensation or emolument whatever. They shall hold their offices for one year, and until their successors be chosen.

SECTION IV. For the purpose of defraying the incidental expenses of holding the institutes herein provided for, the sum of six hundred dollars annually is hereby appropriated, to wit, two hundred dollars to the institutes of each county respectively, to be paid to the respective treasurers thereof on the certificate of the President and Secretary that he is duly authorized to receive the same.

Incidental expenses of institutes. Six hundred dollars appropriated out of treasury.

SECTION V. Each institute shall be the judge of the qualifications and regulate the admission of its own members, and may also make and alter rules for the regulation of its own proceedings. The failure to hold an institute as herein contemplated in any one year shall forfeit its appropriation for that year.

Failure to hold institutes.

*Passed at Dover, March 29, 1889.*

## CHAPTER 697.

## OF MEMORIAL DAY.

AN ACT declaring "Memorial Day" a legal holiday.

WHEREAS, The thirtieth day of May is now universally recognized throughout the United States as a day which ought to be observed as a "Memorial Occasion," according to the purpose of its institution, so that all may have opportunity to engage in such services as are appropriate to the day, and commemorative of the memories of those who died in the service of their country;

Preamble.

AND WHEREAS, In most of the States, and in the District of Columbia, the day has been declared a holiday by law;

## OF THE TRUSTEES OF NEW CASTLE COMMONS.

AND WHEREAS, It is eminently proper that similar legislation should be had in this State, therefore,

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, as follows:*

Thirtieth  
day of May  
a legal  
holiday.

SECTION 1. That the thirtieth day of May in each year, be and the same is hereby declared to be a legal holiday within this State.

Notes fall-  
ing due on  
thirtieth of  
May when  
payable.

Protest.

Proviso.

SECTION 2. That from and after the passage of this act, payment of all notes, checks, or other instruments negotiable by the laws of this State, and becoming payable on the said thirtieth day of May in any year hereafter, shall be deemed to become due and payable on the secular day next preceding that day, on which said secular days, demand of payment may be made and in case of non-payment or dishonor of the same, protest may be made and notice given in the same manner, and with the like legal effect, as if such note, check, bill of exchange or other instrument, fell due on the day of such demand, and the rights and liabilities of all parties concerned therein shall be the same as in other cases of like instruments legally proceeded with; *Provided*, that nothing herein contained shall be so construed as to render void any demand, notice or protest made or given as heretofore at the option of the holder, nor shall the same be so construed as to vary the rights or liabilities of the parties to any such instruments heretofore executed.

*Passed at Dover, April 10, 1889.*

## CHAPTER 698.

## OF THE TRUSTEES OF NEW CASTLE COMMONS.

AN ACT to enlarge the corporate powers of the Trustees of the New Castle Commons.

Preamble.

WHEREAS, By reason of the infirmities of age or other causes, one or more of the members of the Board of Trustees of the New Castle Commons are frequently incapacitated

## OF THE TRUSTEES OF NEW CASTLE COMMONS.

from attending to their active duties as members of the said Board of Trustees;

AND WHEREAS, By reason of such inability on the part of one or more trustees, there is often a difficulty in getting together a legal quorum of members for the purpose of transacting the necessary business of the board much to the detriment of the proper workings of the trust; therefore,

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, two-thirds of each branch of the Legislature concurring therein:*

SECTION 1. That any member of the Board of Trustees of the New Castle Commons, who from mental or physical inability of any kind or from any other cause, shall find himself unable to properly attend to the duties of his office, may of his own volition offer his resignation as a member of said Board of Trustees of the New Castle Commons, at any regular meeting of the said board; such resignation having been offered in writing, it shall be the duty of the Board of Trustees of New Castle Commons, to accept such resignation and have a copy of such resignation entered on the minutes of the board, and the said Board of Trustees of the New Castle Commons shall at once issue its call according to its usual custom in such cases for an election to fill the vacancy caused by such resignation.

SECTION 2. This act shall be deemed and taken to be a public act.

*Passed at Dover, April 17, 1889.*

## OF WORK DONE FOR THE COUNTY.

## CHAPTER 699.

## OF WORK DONE FOR THE COUNTY.

AN ACT providing that work for the county be done by contract.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Work for  
New Castle  
county to  
be done by  
contract.

Officer to  
advertise.

Lowest bid-  
der to have  
contract.

Bills to be  
presented to  
Levy Court.

SECTION 1. For all work and labor hereinafter required to be done, and goods, chattels, wares, merchandise, materials, tools, implements and machinery to be furnished or had and used by or for account of the County of New Castle, where the cost in any particular case will probably exceed the sum of fifty dollars, the officer or committee having such business in charge shall publicly advertise twice in two newspapers of said county, one of which shall be a daily, for sealed proposals for the doing of such work and the furnishing of such goods, chattels, wares, merchandise, materials, tools, implements and machinery, and give the contract to the lowest bidder or bidders; *Provided*, that they may require from all or any of the bidders security for the faithful performance of their contract. Said proposals shall be opened and read in public at a place and time designated in said advertisement.

SECTION 2. All bills against the county of New Castle must be presented to the Levy Court who shall read and examine in public session the same, and if found correct, orders shall be drawn in favor of the parties presenting the same.

SECTION 3. All acts or parts of acts inconsistent herewith are hereby repealed.

*Passed at Dover, April 23, 1839.*

## OF PEACH YELLOWS.

## CHAPTER 700.

## OF PEACH YELLOWS.

AN ACT to protect the peach orchards of lower Delaware from the disease known as the yellows.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SECTION 1. That it shall be unlawful for any person or persons to keep any peach, almond, apricot or nectarine tree infected with the contagious disease known as the yellows, in this State, south of a line beginning in the village of Whiteleysburg and at the dividing line between Delaware and Maryland, and running thence in about an easterly course and following the most direct public road to the village of Hollandsville, thence in about the same course and following the most direct public road to the town of Felton, thence in the same course through the said town of Felton following the main street thereof, thence still in or about an easterly course and following the most direct public road to the town of Frederica, thence continuing through the said town of Frederica in about the same course but following the street that leads past the Methodist Church of said town until it reaches Murderkill River, and thence following the course of said Murderkill River until it reaches the Delaware Bay. That all of said trees so infected shall be subject to destruction as common nuisances as hereinafter provided, and no damages shall be awarded in any Court in this State for entering upon premises and destroying such diseased trees, if done in accordance with the provisions of this act, and it shall be the duty of every person, as soon as he becomes aware of the existence of such disease in any tree owned by him, to effectually destroy or cause the same to be destroyed.

SECTION 2. In any hundred in this State south or partly south of the line mentioned in Section 1 of this act, in which such disease exists, or in which there is good reason to believe it exists, or danger may be justly apprehended of its introduction, as soon as such information is communicated to the Governor of this State by a notice signed by ten or more freeholders of said hundred, who are peach growers, it shall become the duty of the Governor to appoint forthwith three

Unlawful to keep trees infected with yellows in certain localities.

Location.

No damage shall be allowed for destroyed trees.

Governor to appoint



## OF PEACH YELLOWS.

commis-  
sioners.  
Term of  
office.

competent freeholders of said hundred, who are peach growers, as commissioners who shall hold office for the period of six months from the date of their appointment. The said commissioners appointed under the provisions of this act shall not be liable to pay any State tax for their commissions, but the same shall be issued to them free from said tax.

Duty of  
commis-  
sioners.

SECTION 3. It shall be the duty of the commissioners within five days after their appointment to notify the Governor of their acceptance of their appointment, and in case of the non-acceptance of one or more of said commissioners within the five days, or in case of a vacancy or vacancies in the said board, on account of the refusal of one or more of the commissioners to act or from any other cause, the Governor shall immediately fill such vacancy or vacancies by the appointment of other commissioner or commissioners, who shall likewise be freeholders of the hundred and peach growers.

Vacancies,  
how filled.

Commis-  
sioners to  
view trees  
and mark  
those dis-  
eased.

Owner to be  
notified.

What notice  
shall con-  
tain.

Trees that  
bear prema-  
ture fruit,  
a. e., are  
deemed to  
have yellows

SECTION 4. It shall be the duty of the said commissioners upon or without complaint whenever it comes to their notice that the disease known as yellows exists, or is supposed to exist, within the limits of their hundred to proceed without delay to examine the trees supposed to be infected, and if the disease is found to exist a distinguishing mark shall be placed upon the said diseased trees, and the owner notified by a written notice, given to him in person, or left at his usual place of residence, or if the owner be a non-resident of said hundred by leaving a notice with the holder or tenant of the premises on which said diseased trees are found, or with the person in whose charge or possession the said trees may be; or if there be no holder or tenant of said premises, or person in charge or possession of said trees, then said notice may be sent to the post-office address of the said owner if it is known to the commissioners, or it may be affixed to any part of the premises; the said notice shall contain a simple statement of the facts found to exist, with an order to effectually remove and destroy by fire or otherwise the trees so marked and designated within twenty days, Sundays excepted, from the date of the service of said notice. A tree shall be considered to be infected with the contagious disease known as the yellows, and to be subject to the provisions of this act, wherever it bears prematurely ripe red spotted fruit, or puts forth from its trunk or branches pale or diseased "water shoots."

SECTION 5. Whenever any person shall refuse or neglect

## OF PEACH YELLOWS.

to comply with the order to remove and destroy the trees marked by the commissioners as aforesaid, it shall become the duty of the commissioners to cause said trees to be removed and destroyed without delay, employing all necessary aid for that purpose; and for the purpose of said removal and destruction the said commissioners, their agents and workmen, shall have the right and power to enter upon any and all premises within their hundred.

SECTION 6. If any owner neglects to remove and destroy, or cause to be removed and destroyed, as aforesaid, such diseased trees after such examination and notification, and within the time hereinbefore specified, such person shall be deemed guilty of a common nuisance, and upon conviction thereof shall be fined not exceeding fifty dollars, and any Justice of the Peace of the county in which the said hundred is located shall have jurisdiction thereof.

SECTION 7. The said commissioners shall be allowed for their services under this act two dollars for each full day and one dollar for each fraction of a day in which they are actually employed, and their other charges and disbursements, including the costs and expenses incurred in the removal and destruction of said diseased trees, as well as any other charges and disbursements incurred under this act, to be audited by the Levy Court of their county, and paid as other bills against the county are paid. The said commissioners before entering upon the discharge of their duties shall be severally sworn or affirmed to faithfully discharge their duties according to their best judgment, and any commissioner shall have power and authority to administer the oath or affirmation to any other commissioner or commissioners in the same hundred.

SECTION 8. This act shall be deemed and taken to be a public act.

*Passed at Dover, April 24, 1889.*

## OF CLAIMS.

## CHAPTER 701.

## OF CLAIMS.

## AN ACT to pay claims against the State.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Claims.

SECTION 1. That the State Treasurer be and he is hereby authorized and directed to pay the following claims, viz.:

John J. Dougherty,	-	-	-	-	-	\$1,000 00
George M. D. Loper,	-	-	-	-	-	225 00
James Hutchinson,	-	-	-	-	-	25 00
Dover Machine Works,	-	-	-	-	-	31 16
W. P. Godwin,	-	-	-	-	-	133 75
Geo. A. Maxwell,	-	-	-	-	-	20 00
Geo. P. Jarrell,	-	-	-	-	-	32 04
C. F. Thomas & Co.,	-	-	-	-	-	622 81
Harrington Enterprise,	-	-	-	-	-	7 00
J. P. Saulsbury,	-	-	-	-	-	2 00
Isaac Dillon,	-	-	-	-	-	75 00
T. K. Jones & Bro.,	-	-	-	-	-	67 58
Nathaniel Williams,	-	-	-	-	-	16 80
Jno. S. Herrington,	-	-	-	-	-	14 16
Jeremiah Long,	-	-	-	-	-	14 52
Benn & Burnham,	-	-	-	-	-	454 88
Hazel & Pennewill,	-	-	-	-	-	13 77
William Y. Swiggett,	-	-	-	-	-	250 00
Wilmington Printing Co.,	-	-	-	-	-	214 60
James Kirk & Son,	-	-	-	-	-	110 00
J. S. Rowan,	-	-	-	-	-	361 74
J. W. Sirmann,	-	-	-	-	-	33 29
C. W. Kenney,	-	-	-	-	-	44 00
J. F. P. Smith,	-	-	-	-	-	36 60
Smyrna Record,	-	-	-	-	-	132 43
Journal Printing Co.,	-	-	-	-	-	124 11
Every Evening Printing Co.,	-	-	-	-	-	553 20
Delaware Democrat,	-	-	-	-	-	239 00
Star Publishing Co.,	-	-	-	-	-	34 04
Republican Binding & Publishing Co.,	-	-	-	-	-	253 17
Wesley Webb,	-	-	-	-	-	5 00
H. L. Hynson,	-	-	-	-	-	40 00

## OF CLAIMS.

News Publishing Co.,	-	-	-	-	\$221 09	Claims.
Joseph C. White,	-	-	-	-	23 10	
Wilmington Freie Presse,	-	-	-	-	10 50	
Milford Chronicle,	-	-	-	-	194 00	
Sunday Republic Co.,	-	-	-	-	8 96	
Freeman & Webber,	-	-	-	-	51 30	
Moran Bros.,	-	-	-	-	214 14	
J. B. Clark,	-	-	-	-	161 42	
Bowen & Bro.,	-	-	-	-	33 08	
Clark & Downham,	-	-	-	-	194 49	
Marvin Safe Co.,	-	-	-	-	5 00	
Joseph Burchenal,	-	-	-	-	12 63	
J. S. Godwin,	-	-	-	-	7 00	
Howard Barcus,	-	-	-	-	35 00	
James W. Wise,	-	-	-	-	94 00	
Levi Golt,	-	-	-	-	2 00	
Joseph McDaniel,	-	-	-	-	67 50	
James Frazer,	-	-	-	-	94 00	
W. G. L. Tucker,	-	-	-	-	10 00	
O. W. Spear,	-	-	-	-	24 85	
John B. Sharp,	-	-	-	-	18 00	
Joseph Burchenal,	-	-	-	-	193 00	
Clarke & McDaniel,	-	-	-	-	9 65	
Beniah Watson,	-	-	-	-	10 00	
James Kirk & Son,	-	-	-	-	83 36	
Cowgill & Creen,	-	-	-	-	8 05	
Stevenson & Slaughter,	-	-	-	-	792 49	
Thomas Cox,	-	-	-	-	51 25	
James H. Boyce,	-	-	-	-	467 50	
Herman Bessey,	-	-	-	-	25 00	
Henry C. Conrad,	-	-	-	-	110 93	
James H. Ward,	-	-	-	-	68 58	
A. N. Raub,	-	-	-	-	33 66	
Thomas Jones,	-	-	-	-	15 54	
C. R. Ferguson & Son,	-	-	-	-	115 50	
Nathan Pratt,	-	-	-	-	175 55	
L. Irving Handy,	-	-	-	-	38 13	
R. D. Hoffecker,	-	-	-	-	106 86	
Review Publishing Co.,	-	-	-	-	27 60	
Delawarean,	-	-	-	-	377 69	
J. D. Dean,	-	-	-	-	187 17	
Gove S. Wilson,	-	-	-	-	5 00	
Henry W. Cannon,	-	-	-	-	805 01	
Mrs. Martha Hunter,	-	-	-	-	20 00	
W. P. Mifflin,	-	-	-	-	175 00	

## OF CLAIMS.

Claims.	John D. Hawkins,	-	-	-	-	-	\$ 30 00
	John C. Gooden,	-	-	-	-	-	5 00
	John R. Nicholson,	-	-	-	-	-	50 00
	C. R. Ferguson & Son,	-	-	-	-	-	3 50
	I. G. Lofland,	-	-	-	-	-	40 00
	Thomas R. Graham,	-	-	-	-	-	25 00
	Dover Gas Light Co.,	-	-	-	-	-	299 03
	William Herbert,	-	-	-	-	-	500 00
	William E. Smith,	-	-	-	-	-	4 00
	James Kirk & Son,	-	-	-	-	-	1 50
	F. M. Dunn,	-	-	-	-	-	431. 11

*Passed at Dover, April 26, 1889.*

## RESOLUTIONS.

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### CHAPTER 702.

Joint Resolution informing the Governor of the Organization of the Two Houses.

*Resolved*, That a joint committee of both Houses be appointed to wait upon the Governor and inform him that the two Houses of the General Assembly are organized and ready to receive any communication he may see proper to make.

Committee to notify the Governor of the organization of the two houses.

*Adopted at Dover, Delaware, January 1, 1889.*

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### CHAPTER 703.

Joint Resolution appointing Joint Committee to draft rules for the government of the intercourse between the two Houses.

*Resolved by the Senate and House of Representatives\* in General Assembly met:*

That a committee of two on the part of the Senate and three on the part of the House be appointed to draft rules to govern the intercourse between the two Houses.

Committee to draft rules for intercourse between the two houses.

*Adopted at Dover, Delaware, January 1, 1889.*

\*So enrolled.

## RESOLUTIONS.

## CHAPTER 704.

Joint Resolution appointing a Joint Committee on Governor's Message and accompanying documents.

*Resolved by the Senate and House of Representatives\* in General Assembly met:*

Special  
committee  
appointed  
on Governor's mes-  
sage.

That a committee of three on the part of the Senate and three on the part of the House be appointed to whom shall be referred the message of the Governor of the State and accompanying documents.

*Adopted at Dover, Delaware, January 1, 1889.*

## CHAPTER 705.

Joint Resolution in relation to adjournment.

Resolution  
to adjourn  
to a day  
fixed.

*Resolved by the Senate and House of Representatives of the State of Delaware\*, That when the two Houses adjourn it be to meet at five o'clock on Monday, January 7, 1889.*

*Adopted at Dover, January 2, 1889.*

## CHAPTER 706.

Joint Resolution in relation to the counting of votes for Constitutional Convention.

*Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

That in accordance with the provisions of the act of the General Assembly of the State of Delaware, entitled "An Act to provide an unexceptional mode of ascertaining the

\*So enrolled.

## RESOLUTIONS.

sense of the people upon the question of calling a Constitutional Convention," passed at Dover, April 6, 1887, the members of the Senate and House of Representatives of the State of Delaware shall meet in joint session in the hall of the House of Representatives at eleven o'clock on Wednesday next, the ninth instant, being the second Wednesday after their organization, for the purpose of ascertaining the result of the vote cast upon the calling of a convention to change, alter and amend the Constitution of the State at the special election held on Tuesday, the first day of November, 1887, under the provisions of said act.

*Shall meet in joint session in the hall of the house.*  
*To ascertain result of vote on calling of a constitutional convention.*

*Adopted at Dover, January 8, 1889.*

## CHAPTER 707.

Joint Resolution appointing a Joint Committee to settle with the State Treasurer and examine the accounts of the State Auditor.

*Be it resolved by the House of Representatives with the concurrence of the Senate,* That there be appointed a joint committee of three on the part of the House and two on the part of the Senate to settle with the State Treasurer and examine and audit the accounts of the State Auditor.

*Committee to settle with State Treasurer, &c.*

*Adopted at Dover, January 8, 1889.*

## CHAPTER 708.

Joint Resolution in relation to adjournment.

*Resolved by the Senate and House of Representatives of the State of Delaware\*,* That when the two Houses adjourn, it be to meet at five o'clock on Monday next, January 14, 1889.

*Adjournment to a day fixed.*

*Adopted at Dover, Delaware, January 10, 1889.*

\*So enrolled.



## RESOLUTIONS.

## CHAPTER 709.

Joint Resolution in relation to that part of the Governor's Message in reference to the insane.

*Be it resolved by the Senate and House of Representatives of the State of Delaware,\**

Joint committee in relation to Governor's message relating to insane.

That a committee of three on the part of the House and two on the part of the Senate be appointed to whom shall be referred that part of the Governor's Message referring to the care of the insane.

*Adopted at Dover, January 15, 1889.*

## CHAPTER 710.

Joint Resolution in relation to the State Library.

Joint committee on State Library.

*Resolved,\** That that part of the Governor's Message relating to the State Library be referred to a joint committee consisting of three on the part of the House and two on the part of the Senate.

Committee, Hynson, Eccles, Short.

*Adopted at Dover, January 16, 1889.*

\*So enrolled.

## RESOLUTIONS.

## CHAPTER 711.

Joint Resolution in relation to adjournment.

*Be it resolved by the Senate and House of Representatives of the State of Delaware\** that when the two Houses adjourn it be to meet on Monday next, January 21, 1889, at five o'clock, P. M. Adjournment to a day fixed.

*Adopted at Dover, January 17, 1889.*

## CHAPTER 712.

Joint Resolution in relation to Joint Committee on Divorce.

*Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

That the committee on the part of the Senate and the committee on the part of the House, known as the Divorce Committee, be made a joint committee, and the chairman of said joint committee is hereby authorized to administer oaths or affirmations to witnesses appearing before them. Divorce committees of the two houses made a joint committee.

*Adopted at Dover, Delaware, January 18, 1889.*

\*So enrolled.

## RESOLUTIONS.

## CHAPTER 713.

Joint Resolution in reference to the Centennial Celebration.

*Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met,*

Committee  
on centennial  
at New  
York.

That a committee of three on the part of the House (the Speaker being one of the committee on the part of the House), and two on the part of the Senate be appointed to take into consideration that part of the Governor's Message in reference to the Centennial Celebration to be held in New York in April, 1889.

*Adopted at Dover, January 22, 1889.*

## CHAPTER 714.

Joint Resolution appointing Joint Committee to consider the "Joint Resolution authorizing the erection of a monument over the remains of Gen. Cæsar Rodney."

*Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Special  
Joint com-  
mittee on  
monument  
to Cæsar  
Rodney.

That the "Joint Resolution authorizing the erection of a monument over the remains of Gen. Cæsar Rodney" be referred to a special committee of five, two on the part of the Senate and three on the part of the House.

*Adopted at Dover, January 22, 1889.*

## RESOLUTIONS.

## CHAPTER 715.

Joint Resolution appointing Committee of Conference in relation to selecting Auditor and Treasurer.

*Resolved\** that a committee of three on the part of the House and three on the part of the Senate be appointed as a committee of conference in reference to appointing State Treasurer and Auditor.

Special  
joint com-  
mittee on  
appointing  
State Treas-  
urer and  
Auditor.

*Adopted at Dover, January 24, 1889.*

## CHAPTER 716.

Joint Resolution accepting the invitation of the Levy Court and Trustees of the Poor of New Castle County.

*Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met.* That we accept the invitation of the Levy Court and Trustees of the Poor of New Castle County to visit the New Castle County Insane Department, and fix and set apart Friday, February the first as the time we will make the visit to said institution.

Accepting  
invitation of  
Levy Court  
and Trus-  
tees of Poor  
of New  
Castle  
County.

*Adopted at Dover, January 24, 1889.*

\*So enrolled.

## RESOLUTIONS.

## CHAPTER 717.

Joint Resolution in relation to adjournment.

Adjourn-  
ment to day  
fixed.*Resolved*\* that when the two Houses adjourn it be to meet at 5 o'clock P. M., Monday next.*Adopted at Dover, January 24, 1889.*

## CHAPTER 718.

Joint Resolution appointing committee to ascertain title to certain marsh lands in Little Creek Hundred, Kent County, Delaware.

Preamble.

WHEREAS, There is a question or dispute as to the legal ownership of a certain piece or tract of marsh land situated in the eastern part of Little Creek Hundred, Kent Co., Del., known as "Kent Island,"

AND WHEREAS, It is desired that the rights of the State thereto, if any, should be ascertained, therefore,

Special  
joint com-  
mittee to  
ascertain  
owner of  
certain  
marsh  
lands.

*Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That a committee of three on the part of the House, and two on the part of the Senate, be appointed to ascertain the legal ownership of said marsh or tract of land as aforesaid, and that said committee shall have the right to employ counsel to aid them in making search of title to same, and also that said committee shall have the right to summon witnesses before them if they deem it necessary.

*Adopted at Dover, January 29, 1889.*

\*So enrolled.

RESOLUTIONS.

CHAPTER 719.

Joint Resolution authorizing the custodian of the State House to have waste pipes connect with the proper sewer.

*Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

That the custodian of the State House be and he is hereby authorized to have the waste pipes at the northeast corner of the building connected with the proper sewer.

Custodian  
of State  
House to  
have pipes  
fixed.

*Adopted at Dover, January 29, 1889.*

CHAPTER 720.

Joint Resolution appointing a joint committee of two on the part of the Senate and three on the part of the House of Representatives to settle with the State Treasurer, Auditor of Accounts, Secretary of State and Clerks of the Senate and House of Representatives.

*Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

That a joint committee of five be appointed on the part of the General Assembly to consist of the following: Two members of the Senate, viz.: John B. Dorman and Calvin W. Crossan; and the following three members of the House of Representatives, viz.: Chas. H. Maull, D. S. Clark and George W. Eckels, and whose duty it shall be to meet at Dover on the third Tuesday, January, 1890, for the purpose of settling the accounts of the State Treasurer and receiving the report of the Auditor of Accounts for the current year.

Joint com-  
mittee  
appointed.  
  
Settle ac-  
counts of  
State  
Treasurer.

*Resolved,* That it shall be the duty of said committee after their settlement with the State Treasurer as aforesaid to cause a statement of such settlement under their hands or the hands of a majority of them to be published in two (2) news-

Duty of  
committee.

## RESOLUTIONS.

papers printed in the State for the space of one month from the time of effecting the same.

To settle  
with cer-  
tain officers.

*Resolved*, That the said committee shall have full power and authority to audit the accounts of the Clerks of the Senate and House of Representatives for superintending the printing of their Journals of the Houses of the Legislature during the present session and for making indexes thereto. Also the accounts of the Secretary of State for superintending the printing of the acts of the present session and for indexing the same and make such allowance for the said services as they may think just and proper, which said allowances shall be paid by the State Treasurer upon orders drawn by the chairman of said committee in favor of said Clerks and said Secretary of State respectively.

Compensa-  
tion of  
members.

*Resolved*, That the said committee shall receive the same compensation as is allowed by law to the members of the General Assembly to be paid by the State Treasurer upon orders drawn by the chairman of said committee, and the chairman of said committee shall have full power and authority to draw orders for all incidental expenses arising out of the session of said committee, to be paid in a like manner.

*Adopted at Dover, Delaware, January 30, 1889.*

## CHAPTER 721.

Joint Resolution to pay Benjamin J. Moore and E. T. Cooper for purchasing stationery.

*Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

State Treas-  
urer autho-  
rized to pay  
\$200 for  
purchasing  
stationery.

That the State Treasurer be and he is hereby authorized to pay Benjamin J. Moore, Clerk of the last Senate, and E. T. Cooper, Clerk of the last House of Representatives, the sum of two hundred dollars for services and expenses in purchasing and distributing stationery for the use of this General Assembly.

*Adopted at Dover, January 30, 1889.*

## RESOLUTIONS.

## CHAPTER 722.

Joint Resolution in relation to the Centennial Celebration of the Inauguration of George Washington first President of the United States of America.

WHEREAS, The several States of the Union have resolved Preamble. to celebrate in a proper and becoming manner the one hundredth anniversary of the inauguration of George Washington, the first President of the United States of America, in New York City, on April 30th, 1889;

AND WHEREAS, Delaware as one of the original thirteen States, and the first to adopt the Federal Constitution, that sublimest achievement of mankind, has and should have the profoundest interest in the remembrance and celebration of those events that gave and secured to the American people their freedom and liberties; now therefore,

*Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That the Governor be and he is hereby authorized and empowered to make such arrangements as he shall deem necessary for a proper participation of the State in the celebration of the inauguration of George Washington first President of the United States, to be held in the City of New York in April next, and to defray the expenses thereof he is hereby authorized to draw his warrant upon the State Treasurer for any sum of money not exceeding four thousand dollars (\$4,000). Governor authorized to make arrangements for centennial celebration. Empowered to draw \$4000 from treasury to pay expenses.

*Adopted at Dover, January 30, 1889.*



## RESOLUTIONS.

## CHAPTER 723.

Joint Resolution to pay William Hunter, janitor of State House, for extra work, in cleaning, renovating and putting the State House in order for the use of the General Assembly.

*Be it enacted\* by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That the State Treasurer be and he is hereby authorized to pay to William Hunter, janitor of State House the sum of forty-six and 15/100 dollars for extra work for cleaning, renovating and putting State House in order for use \*General Assembly.

State  
Treasurer  
authorized  
to pay Wm.  
Hunter,  
janitor, for  
putting  
State House  
in order.

*Adopted at Dover, January 31, 1889.*

## CHAPTER 724.

Joint Resolution in relation to adjournment.

*Be it resolved by the Senate and House of Representatives\*,* That when the two Houses adjourn, they adjourn until Monday, February 4, at 5 o'clock, P. M.

Adjourned  
to a fixed  
day.

*Adopted at Dover, January 31, 1889.*

\*So enrolled.

## RESOLUTIONS.

## CHAPTER 725.

Joint Resolution authorizing the State Librarian to purchase a new flag for the State House.

*Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That the State Librarian be and he is hereby authorized to purchase a new flag for the State House.

State Librarian authorized to purchase new flag for State House

*Adopted at Dover, January 31, 1889.*

## CHAPTER 726.

Joint Resolution relating to an Asylum for the Insane.

WHEREAS, Recent events indicate plainly that there is a desire on the part of the people of Delaware that the State should provide an asylum within her own borders and under her control, where the insane of the State could be concentrated under the care of competent and expert physicians and nurses; therefore,

*Be it resolved by the Senate and House of Representatives\* in General Assembly met:* That this Assembly deem it wise to heed this demand on the part of our constituents and that the proper steps be taken at this session to provide such an asylum.

*And be it further resolved,* That a committee of six on the part of the House and three on the part of the Senate be appointed to take the subject into consideration.

*Adopted at Dover, Delaware, February 6, 1889.*

\*So enrolled.

Special committee of six appointed to consider the propriety of establishing an insane asylum.

## RESOLUTIONS.

## CHAPTER 727.

## Joint Resolution in relation to meetings of Divorce Committee.

Sergeant-at-arms instructed to put parlor of State House at divorce committee's disposal.

WHEREAS, The joint committee on divorce have set apart Tuesday and Thursday afternoons between the hours of 1.30 and 3 o'clock, P. M., for hearings in divorce cases; therefore be it

*Resolved*, That the sergeants-at-arms of both Houses are hereby instructed to see that the parlor of the State House is placed at their disposal on Tuesdays and Thursdays at 1.30 o'clock, P. M.

*Adopted at Dover, Delaware, February 6, 1889.*

## CHAPTER 728.

## Joint Resolution authorizing the custodian of the State House to place a urinal in the Cloak Room.

*Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly\**:

Custodian to erect urinal in cloak room.

That the custodian of the State House be authorized to erect a urinal in the cloak room of the State House.

*Adopted at Dover, February 12, 1889.*

\*So enrolled.

RESOLUTIONS.

CHAPTER 729.

Joint Resolution in relation to adjournment.

*Resolved by the Senate and House of Representatives: \**

That when the two Houses adjourn it be to meet on Monday next at 11 o'clock A. M.

Adjournment to a day fixed.

*Adopted at Dover, February 14, 1889.*

CHAPTER 730.

Joint Resolution in relation to the celebration of the inaugural of the President-elect.

*Resolved by the Senate and House of Representatives\*:*

That there be a joint committee of two on the part of the Senate and three on part of the House to take into consideration the propriety of providing a suitable way to attend the inaugural of the President-elect of the United States at Washington, on March 4th, 1889.

Special joint committee appointed to make suitable arrangements to attend inaugural of President.

*Adopted at Dover, February 18, 1889.*

\*So enrolled.

## RESOLUTIONS.

## CHAPTER 731.

Joint Resolution appointing a State Treasurer and Auditor of Accounts.

Preamble.

WHEREAS, The House of Representatives has used its best endeavors to secure the appointment of persons to the offices of State Treasurer and Auditor respectively who are in political affinity with the majority of the members of the House;

AND WHEREAS, It is now manifest that the Senate is unwilling to concur in the appointment of any person not politically in sympathy with the majority of that body;

AND WHEREAS, It is against the public interest that these important offices should either be vacant, or any question exist as to the legitimate exercise of the functions appertaining thereto; and to the end that the public interests may be properly subserved, it is deemed politic and advisable that the late incumbents of the said office respectively should be re-appointed thereto; therefore be it

Wm. Herbert appointed State Treasurer.

*Resolved by the House of Representatives of the State of Delaware (by and with the concurrence of the Senate), that William Herbert be and he is hereby appointed State Treasurer; and*

James H. Boyce appointed Auditor.

*Resolved further (also by and with the concurrence of the Senate), that James H. Boyce be and he is hereby appointed Auditor of Accounts.*

*Adopted at Dover, February 19, 1889.*

## CHAPTER 732.

Joint Resolution authorizing the erection of a monument over the remains of General Cæsar Rodney.

Preamble.

WHEREAS, It is right and proper that patriots should be especially honored and the remembrance of their good deeds preserved for the encouragement of patriotism in future generations, and as other States have taken measures to honor their patriotic sires, Delaware should not be derelict in her

## RESOLUTIONS.

duty to those who in perilous times pledged their lives, their fortunes and their sacred honor, to gain and secure for us peace, happiness and prosperity unexampled in the history of nations;

AND WHEREAS, No fitter mode of expressing her appreciation of their patriotism and of immortalizing their noble deeds than that of erecting monuments to their memory;

AND WHEREAS, The remains of General Cæsar Rodney, member of the Continental Congress, a signer of the Declaration of Independence, one of the Presidents of Delaware State during the war for independence, an eminent self-denying patriot, a sturdy advocate of American rights and liberties, lie in the Episcopal burying ground, at Dover, without any stone to mark their resting place; therefore

*Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

That J. M. C. Rodney, Esq., John R. Nicholson, Esq., McKendree Downham, Esq., and the "Rodney Club," consisting of Henry Ridgely, Robert R. P. Bradford, William G. Kerbin, George L. Whitaker, Peter L. Cooper, Jr., James H. Hughes, William Saulsbury, W. L. Cannon, R. H. Vandyke, and Nelson Spencer, and such other names as they shall hereafter associate with them, are hereby appointed a committee to have a suitable monument, with appropriate inscriptions and devices, erected over the remains of General Cæsar Rodney in the aforesaid burying ground. Committee.

*Resolved,* That the committee appointed by the foregoing resolution, or a majority of them, are hereby authorized to draw their order or orders on the State Treasurer for any sum or sums not exceeding in the whole the sum of five hundred dollars for the purpose of carrying into effect the object of the resolutions aforesaid, and the State Treasurer be and he is hereby authorized and directed to pay the order or orders of the said committee, so drawn on him, out of any money in the treasury not otherwise appropriated; and it shall be the duty of the said committee, or a majority of them, to make report of their proceedings in the premises to the next biennial session of the Legislature, setting forth the expenditures consequent upon the execution of their duties under the provisions of these resolutions. Authorized to draw on State Treasurer for \$500.

*Adopted at Dover, February 20, 1889.*

*Proceedings to be reported to next General Assembly.*

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## CHAPTER 733.

Joint Resolution relative to adjournment.

*Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Adjourn-  
ment to a  
day fixed.

That when the two Houses adjourn to-day it be to meet on Monday, February 25th, at 5 o'clock P. M.

*Adopted at Dover, February 21, 1889.*

## CHAPTER 734.

Joint Resolution appointing a committee to investigate the accounts of the late State Superintendent of Public Schools and the Clerk of the Peace of New Castle County.

Preamble. WHEREAS, The last two reports of the State Treasurer show a large deficit in the accounts of the late Superintendent of the Public Schools, amounting to thousands of dollars; and

WHEREAS, In addition to the said deficit shown by the State Treasurer's and Auditor's reports, there have been presented to the committee on claims of the General Assembly, claims against the State amounting to thousands of dollars, for books purchased by the said Superintendent of Public Schools; and

WHEREAS, It is the duty of the General Assembly, before allowing such claims, to fully understand the claims in order that the public funds shall be carefully guarded and protected; and

WHEREAS, It further appears by the said reports of the State Treasurer and Auditor, that gross inaccuracies and

## RESOLUTIONS.

manifest discrepancies exist in the accounts of the Clerk of the Peace of New Castle County in this State; therefore,

*Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

That there shall be appointed a joint committee of five members, consisting of two on the part of the Senate and three on the part of the House, whose duty it shall be to investigate the accounts of the late Superintendent of Public Schools and also the accounts of the said Clerk of the Peace of New Castle County.

Joint committee to investigate accounts of superintendents of free schools and Clerk of Peace of New Castle county.

*Resolved, further,* That for the purpose of aiding the said committee in such investigations, the said committee shall have power to summon witnesses and to compel them to appear before the said committee with all such books, papers and accounts as may be necessary to a full and complete investigation of the whole subject.

Power to send for persons and compel attendance.

*Resolved, further,* That the chairman of the said committee shall have power to administer oaths and affirmations to the witnesses brought before the committee.

*Adopted at Dover, February 26, 1889.*

## CHAPTER 735.

Joint Resolution in relation to books for the State Auditor in which to keep the accounts of the Public Schools of New Castle, Kent and Sussex Counties.

*Be it resolved by the Senate and House of Representatives\* in General Assembly met:*

That the State Auditor of Accounts be and he is hereby authorized to procure (3) books for the purpose of keeping the accounts of the schools in Sussex, Kent and New Castle counties.

Auditor authorized to procure school books.

*Adopted at Dover, February 26, 1889.*

\*So enrolled.



## RESOLUTIONS.

## CHAPTER 736.

Joint Resolution relative to adjournment.

*Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

To adjourn  
to a day  
fixed.

That when the two Houses adjourn to-day it be to meet on Wednesday, March 6th, next, at eleven o'clock, A. M.

*Adopted at Dover, March 1, 1889.*

## CHAPTER 737.

Joint Resolution in relation to the report of the Insurance Commissioner.

*Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Insurance  
Commissioner  
authorized  
to have 300  
reports  
printed.

To have  
prepared  
annual  
statements  
of compa-  
nies doing  
business in  
this State.

That Nathan Pratt, the Insurance Commissioner, be and he is hereby authorized and empowered to have printed and bound, 300 copies of the Insurance Report made to the present session of the General Assembly, and that he be also authorized to prepare, or cause to be prepared, copies of the annual statements of all the companies doing the business of Insurance in this State, for the year ending December 31, 1888, and tabulated statements setting forth the assets, liabilities, income and expenditures, and other information, showing the business condition and standing of said companies.

(Governor to  
draw war-  
rant for  
payment.

*Resolved,* That the Insurance Commissioner be, and he is hereby authorized to contract for the printing and binding of the said number of copies, and the Governor is hereby authorized, upon the certificate of the said Insurance Commissioner that said printing and binding is done to his acceptance, and also upon his certificate stating the price and the several items of charge, to draw an order on the State Treas-

## RESOLUTIONS.

urer for the payment of said printing and binding according to said contract.

*Resolved*, That the committee appointed by this General Assembly to meet at Dover, in the month of January, A. D. 1890, for the purpose of settling the accounts of the State Treasurer and receiving the report of the Auditor of Accounts shall have full power and authority, and they are hereby directed to audit the accounts of the said Nathan Pratt for preparing copies of said annual statements and such tabulated statements, and for superintending the printing of said Insurance Report, and shall make such allowance for such service as they may think just and proper, which said allowance shall be paid by the State Treasurer upon an order drawn by the chairman of said committee in favor of said Insurance Commissioner.

Committee to settle with State Treasurer in 1890, to audit said Nathan Pratt's accounts and make allowance.

Chairman of committee to draw orders for allowance.

*Adopted at Dover, March 8, 1889.*

## CHAPTER 738.

*Joint Resolution in relation to receiving new business.*

*Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, as follows:-*

That no new business will be received by either House of this General Assembly after Monday, the twenty-fifth day of March, 1889.

Legislature to receive no new business after a day fixed.

*Adopted at Dover, March 12, 1889.*

## RESOLUTIONS.

## CHAPTER 739.

Joint Resolution in relation to taxing Express, Telegraph and Telephone Companies.

*Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Joint committee appointed in relation to taxing express and telegraph companies.

Committee may send for persons and papers and administer oaths.

Counsel may be employed.

That a joint committee of three members, one on the part of the Senate and two on the part of the House, be appointed to inquire into the business of all companies or individuals who are carrying on the express, telegraph or telephone business in this State, and ascertain \* the gross annual profits, and expenses of such companies or persons are; and to that end that said committee may sit anywhere and send for persons and papers and be empowered to administer oaths to witnesses before them summoned.

*Resolved*, That the committee be empowered to employ counsel, if necessary, and that all expenses incurred shall be paid for by an order on the State Treasurer drawn by its chairman.

*Adopted at Dover, March 22, 1889.*

## CHAPTER 740.

Joint Resolution relative to taxing National Banks.

*Preamble.*

WHEREAS, It is claimed on behalf of the State that certain taxes are due the State from the National Banks doing business in this State; and

WHEREAS, A suit is now pending in the United States Circuit Court for the District of Delaware for the determination of this question; and

WHEREAS, By virtue of a certain joint resolution of the Legislature, passed April 17th, 1885, Levi C. Bird, Esq., has

\*So enroll x<sup>1</sup>.

## RESOLUTIONS.

been authorized and directed by the State Treasurer to collect all taxes due from the banks doing business in this State; and

WHEREAS, It is desirable that the people may know what expense they are to incur in the determination of the said question, and that the matter may be in such shape that, in the event of the said suit being decided in favor of the State, the portion of the said taxes due the State shall be paid over to the State Treasurer; therefore,

*Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

That the said Levi C. Bird, Esq., is hereby authorized, em- <sup>Levi C. Bird directed to collect taxes due from banks.</sup> powered and directed to collect all the said taxes as aforesaid from the banks in this State and to deduct from the said taxes in the event of the said suit being determined in favor of the State and it being decided that the said tax is due up to the time of the ending of the said suit the sum of fifteen per centum as payment in full for his services, and the services of Andrew E. Sanborn, Esq., and John Biggs, Attorney General, on behalf of the State in the said case and to pay over the balance of the said taxes to the State Treasurer. <sup>Compensation.</sup>

It is further agreed and understood that in the event of the <sup>Proviso.</sup> decision of the said case turning upon the act of the General Assembly, passed March 13, A. D. 1883, Chapter 236, Vol. 17, Laws of Delaware, and the court deciding that the said law repealed the tax on National Banks and that therefore the tax is due only up to the said thirteenth day of March, A. D. 1883, then and in that event the said Levi C. Bird, Esq., is hereby authorized, empowered and directed to collect all of the said tax as aforesaid up to the said 13th day of March, A. D. 1883, from the banks in this State and to deduct from the same the sum of twenty-five per centum as payment in full for his services and the services of Andrew E. Sanborn, Esq., and John Biggs, Attorney General, on behalf of the State in the said case, and to pay over the balance of the said taxes to the State Treasurer, it being distinctly agreed and understood that in the event of the said suit being decided against the State that they, the said Levi C. Bird, Esq., Andrew E. Sanborn, Esq., and John Biggs, Attorney General, are to be paid nothing for their services.

It is further agreed and understood that in the event of the <sup>Further proviso.</sup> said suit being decided in favor of the State, the five hundred

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dollars heretofore paid to the said Levi C. Bird, Esq., as a retaining fee in the said case, shall be deducted from the said fifteen per centum or twenty-five per centum, as the case may be.

*Adopted at Dover, March 25, 1889.*

## CHAPTER 741.

Joint Resolution in relation to new business.

*Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Rescinding  
joint resolu-  
tion to re-  
ceive no  
new busi-  
ness after a  
day fixed.

That the joint resolution, entitled "Joint Resolution in relation to taking no business after March 25th, eighteen hundred and eighty-nine, be and the same is hereby rescinded.

*Adopted at Dover, March 25, 1889.*

## CHAPTER 742.

Joint Resolution in relation to the tax on Bank Shares.

Preamble.

WHEREAS, The General Assembly of this State on April 17, 1885 (Vol. 17, page 961), passed the following joint resolution, to wit:

"That the Attorney-General of the State of Delaware be and he is hereby authorized and directed to proceed, at the earliest practicable date, against the banks in this State that have refused to pay the tax on shares as required by the Laws of this State, and in the event of the Attorney-General requiring any assistance in complying with this request the State Treasurer be and he is hereby authorized and directed

## RESOLUTIONS.

to employ counsel and institute proceedings against said banks;”

AND WHEREAS, John M. Houston, late State Treasurer, pursuant to the said resolution, employed Levi C. Bird, Esq., to assist the Attorney-General in proceeding against the said banks;

AND WHEREAS, William Herbert, State Treasurer, authorized and empowered the said Levi C. Bird, Esq., to collect all taxes now claimed to be due from said banks;

AND WHEREAS, The test case of William Herbert, State Treasurer vs. The First National Bank of Wilmington was argued before Hon. William McKennan, in the United States Circuit Court on October 16th and 17th, A. D. 1888, by Levi C. Bird and Andrew E. Sanborn, Esqs., and John Biggs, Attorney-General, on behalf of the State; therefore,

*Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

That a joint committee to consist of five on the part of the House and three on the part of the Senate be appointed for the purpose of conferring with the said Levi C. Bird, Esq., Andrew E. Sanborn, Esq., and John Biggs, Attorney-General, with reference to fixing their compensation in the said cases, with instructions to report back to the respective Houses.

*Joint committee appointed to confer with Levi C. Bird, Esq.*

*Adopted at Dover, March 26, 1889.*

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## CHAPTER 743.

Joint Resolution, entitled "Joint Resolution in relation to repairs and changes to State House and Library."

*Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Joint committee appointed in relation to repairs of the State House.

That a joint committee of three (3) on the part of the Senate and six (6) on the part of the House shall be appointed to consider the necessity of repairs or improvements to the State House and Library; also with power to invite an architect to view the said building with the committee, and the committee to have power to provide for the payment of said architect.

Committee on the part of the Senate: Dorman, Richardson and Ferguson.

*Adopted at Dover, March 27, 1889.*

## CHAPTER 744.

Joint Resolution to pay the Hon. Charles B. Love one thousand dollars.

Preamble.

WHEREAS, The Baltimore and Philadelphia Railroad Company refused to pay its tax as provided by Sec. 4, Chap. 454, Vol. 16, Laws of Delaware, claiming that in order to ascertain the amount of tax per mile on its road, the sum of forty thousand dollars, the tax paid annually by the Philadelphia, Wilmington and Baltimore Railroad Company, should be divided by forty-five miles, which included the line of the said Philadelphia, Wilmington and Baltimore Railroad Company extending from Delaware Junction to what was Rodney Station; and that the said sum of forty thousand dollars should not be divided by the twenty-three and six-tenths miles, being the distance from the Pennsylvania State line to the Maryland State line, as was claimed by the State;

## RESOLUTIONS.

AND WHEREAS, In order to determine this question a suit was brought by William Herbert, Esq., State Treasurer, against the said The Baltimore and Philadelphia Railroad Company, in the Superior Court of this State, in and for New Castle County, at the September Term 1887, which case was by the said Superior Court ordered to be heard before all the Judges at the Court of Errors and Appeals at its next term;

AND WHEREAS, The said case was argued before all the Judges at the Court of Errors and Appeals at the January Term 1888, by the Hon. Charles B. Lore and John Biggs, Attorney-General, for the State, and the Hon. John K. Cowan and Levi C. Bird, Esq., for the said The Baltimore and Philadelphia Railroad Company; the said Hon. Charles B. Lore being employed by William Herbert, Esq., State Treasurer, to assist the Attorney-General in the said case;

AND WHEREAS, The said Court of Errors and Appeals, on May 2, 1888, unanimously decided the said case in favor of the State, requiring the said The Baltimore and Philadelphia Railroad Company to pay the annual tax to the State of thirty-six thousand, one hundred and one dollars and sixty-nine cents (\$36,101.69), and not the sum of twenty-four thousand, three hundred and forty-two dollars and seventy cents (\$24,342.70) which the said The Baltimore and Philadelphia Railroad Company claimed was all that it should pay, thereby making a difference to the State of the sum of eleven thousand, seven hundred and fifty-eight dollars and ninety-nine cents (\$11,758.99) annually; now therefore,

*Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

That the State Treasurer be and he is hereby authorized and directed to pay to the said Hon. Charles B. Lore the sum of one thousand dollars (\$1,000.00) payment in full for his services in behalf of the State in the said case.

State Treas-  
urer autho-  
rized to pay  
Hon. C. B.  
Lore \$1,000.

*Adopted at Dover, March 27, 1889.*



## RESOLUTIONS.

## CHAPTER 745.

Joint Resolution in relation to Delaware College and the Agricultural Experiment Station.

*Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Appropriation by Congress to experiment station accepted.

Trustees to receive moneys.

That this State in accepting and assenting to the provisions of the Act of Congress, approved March second, 1887, entitled "An Act to establish Agricultural Experiment Stations in connection with colleges established in the several States, under the provisions of an act approved July 2nd, 1862, and of acts supplementary thereto," appoint the Board of Trustees of Delaware College, and their successors in office, to receive and expend such moneys as may come to this State under the provisions of said act first mentioned.

*Adopted at Dover, March 28, 1889.*

## CHAPTER 746.

Joint Resolution in relation to Kent Island.

The special committee, to whom was referred the consideration of the question which has been raised and urged respecting the title of the State to and in all that certain tract of land and salt marsh known as "Kent Island," situated in Kent County in the said State, beg leave to report that they have duly investigated the subject so committed to them and find that the said body of land was by an act of the General Assembly of this State, passed February 2, 1818, granted unto Thomas Clayton and Jacob Stout expressly under and subject to certain conditions in and by the said act prescribed and upon the performance whereof the title, in the opinion of your committee, depends; so that whatever of right or title may now be in the State of Delaware must necessarily depend

## RESOLUTIONS.

upon a judicial construction of the aforesaid Act of Assembly and the legal effect of the non-observance of the conditions, or any of them, by the said act imposed, which can be only be\* properly ascertained and determined by judicial investigation. Your committee feel constrained as the result of its investigation and finding, to the conclusion that such legislation should be enacted as will provide for the judicial investigation herein referred to, and to this end beg to report the accompanying joint resolution, and recommend its adoption.

JAMES RICHARDSON,  
MCKENDREE DOWNHAM,  
J. H. WHITEMAN,  
A. B. RICHARDSON,  
J. E. COLLINS.

## Joint Resolution in relation to Kent Island.

WHEREAS, A controversy has arisen with regard to the Preamble. title to all that certain body of land and salt marsh, known as Kent Island, situated in Little Creek Hundred, Kent County, which many persons insist is vacant land belonging to the State, and has become so by reason of the omission of the persons to whom the same was granted by an act of the General Assembly of this State, as is alleged, to observe the conditions coupled with the said grant, and prescribed by the said act;

AND WHEREAS, The question of title thus raised and presented depends upon the legal effect of the conditions coupled with the said grant, as well as upon the ascertainment of the fact as their performance, which can only be determined and ascertained by a proper judicial proceeding;

AND WHEREAS, The matter should be investigated and determined so that the rights of the State in the premises may be properly defined, protected and preserved; therefore,

*Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

That the Attorney General be and he is hereby authorized, Attorney-General empowered, and directed to investigate the present status of the title to the said body of land mentioned in the preamble hereto, and to incept such proceedings in the proper judicial tribunal in the name of the State of Delaware as will lead Attorney-General authorized to investigate title.

\*So enrolled.

## RESOLUTIONS.

to and result in an adjudication of the question of title referred to in the preamble aforesaid.

May bring  
action of  
ejectment  
in Superior  
Court.

*Resolved further,* That if, in the opinion of the Attorney General, the proper proceeding shall be by an action of ejectment in the Superior Court of the State of Delaware in and for Kent County against any one or more of the individuals now claiming title to the said premises as against the State, then and in that case such action in the name of the State of Delaware is hereby expressly authorized and directed to be instituted.

Compensa-  
tion to  
Attorney-  
General.

*Resolved further,* That the Attorney General shall receive proper and reasonable remuneration for his services, under this joint resolution, to be allowed by the General Assembly at its next session.

*Adopted at Dover, March 29, 1889.*

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 CHAPTER 747.

Joint Resolution in regard to the Wilmington and Christiana Turnpike.

Preamble.

WHEREAS, Under "An Act to incorporate a company for making an artificial turnpike road from the Borough of Wilmington to the village of Christiana in New Castle County," passed at Dover, Jan'y 30, 1815, it is made the duty of the company so incorporated to erect posts at the intersection of every road falling into and leading out of the said turnpike road with boards and index hands pointing to the direction of such road and showing the name of the town or place to which said road leads, and the distance thereof in measured or computed miles; and it is also made the duty of said company to affix on the toll gates a board containing the lists of rates of tolls, painted in legible characters, and it is further made the duty of the President and managers of said company to lay before the General Assembly of this State at the end of every ten years after said road was completed an abstract of their accounts, showing the whole amount of their capital, and of the income and profits arising from the tolls

## RESOLUTIONS.

received together with an abstract of the costs and charges of keeping the said road in repair, etc., to the end that the clear income and profits thereof may be ascertained and known;

AND WHEREAS, The said company has wholly disregarded the above mentioned provisions, and for many years past has failed and neglected to carry out the requirements of its charter as above specified; therefore.

*Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

That the said "The President, managers, and company of the Wilmington and Christiana Turnpike Road," be and the same are hereby requested to submit to the present General Assembly an abstract of their accounts as is provided in Section 29, Chapter 45, Vol. 5, Laws of Delaware; *And further*, that a copy of this Resolution and Preamble duly attested by the Clerks of the Senate and House be sent to the President of said company.

President,  
managers  
and direc-  
tors re-  
quested to  
submit to  
General  
Assembly  
abstract of  
accounts.  
Copy of  
resolution  
to be sent to  
president of  
company.

*Adopted April 3, 1889, at Dover, Delaware.*

## CHAPTER 748.

Joint Resolution relating to Memorial Tablet on Cemetery Ridge. Battlefield of Gettysburg.

WHEREAS, The Gettysburg Battlefield Memorial Association has determined to place a memorial tablet at the "Copse of Trees" on Cemetery Ridge on the Battlefield of Gettysburg (which point is made memorable on account of the repulse of Longstreet's charge) provided the several States whose troops participated in the repulse of that charge will make the necessary contribution to the cost thereof;

Preamble.

AND WHEREAS, The troops of this State were conspicuous in their efforts of resistance of that charge, and it is emi-

## RESOLUTIONS.

nently fitting that their service should be memorialized; therefore,

*Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Two hundred dollars appropriated for a tablet on Cemetery Ridge, battlefield at Gettysburg.

Tablet to be of bronze and granite.

Money to be paid on draft on treasurer by the Governor.

That a sum not exceeding two hundred dollars be and the same is hereby appropriated out of any funds in the treasury (not otherwise appropriated) for the purpose of erecting in conjunction with the other States, whose \* participated in repulsing said assault and which has already made appropriations in that behalf a memorial tablet of bronze and granite at the point designated, containing suitable inscriptions of commemorative character. The said sum or so much thereof as necessary for the purpose expressed shall be paid by a draft on the State Treasurer drawn by the Governor in favor of the Treasurer of said Association when and as soon as the Treasurer of said Association shall have certified that said memorial tablet has been erected and completed.

*Adopted at Dover, April 3, 1889.*

## CHAPTER 749.

Joint Resolution in relation to receiving new business.

*Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

(General Assembly to receive no new business after April 8, '89.)

That no new business will be received by the General Assembly after Monday, April 8th, 1889.

*Adopted at Dover, April 3, 1889.*

\*So enrolled.

## RESOLUTIONS.

## CHAPTER 750.

Joint Resolution in relation to Claims.

*Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

SEC. 1\*. That the House and the Senate Standing Committee on Claims, as now constituted, be and they are hereby made the Joint Standing Committee on Claims of the two Houses.

House and  
Senate  
Committee  
on Claims  
made joint  
committee.

*Adopted at Dover, April 12, 1889.*

## CHAPTER 751.

Joint Resolution in relation to adjournment sine die.

*Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

That both Houses of this General Assembly will adjourn, *sine die*, on April 26, 1889, at 12 o'clock, noon.

Adjourn-  
ment *sine*  
*die* April  
26, 1889.

*Adopted at Dover, April 12, 1889.*

\*So enrolled.

## RESOLUTIONS.

## CHAPTER 752.

Joint Resolution in relation to Committee of Conference on House Bill No. 63.

*Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Joint committee appointed on House bill No. 63.

That a joint committee be appointed, two on the part of the Senate and three on the part of the House to consider a disagreement on the part of the two Houses in reference to an amendment on H. B. No. 63.

*Adopted at Dover, April 12, 1889.*

## CHAPTER 753.

Joint Resolution appropriating seven hundred dollars to the contingent expenses of the office of Secretary of State.

*Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Seven hundred dollars appropriated as a contingent fund to Secretary of State.

That the sum of seven hundred dollars be and the same is hereby appropriated and made payable to John P. Saulsbury, Secretary of State, to defray the contingent expenses of his office for the present and ensuing year, and that he is required to present his accounts and vouchers to the General Assembly of this State at its next session for settlement.

*Adopted at Dover, April 17, 1889.*

## RESOLUTIONS.

## CHAPTER 754.

Joint Resolution in relation to paying the Society for the Prevention of Cruelty to Children \$600.

*Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

That the State Treasurer be and he is hereby directed to pay unto the Treasurer of the Delaware Society for the prevention of Cruelty to Children in aid of the objects of said society, the sum of six hundred dollars.

State  
Treasurer  
to pay \$600  
to Society  
for the Pre-  
vention of  
Cruelty to  
Children.

*Adopted at Dover, April 23, 1889.*

## CHAPTER 755.

Joint Resolution appointing a committee to make biennial settlement with the Attorney General and State Librarian.

*Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

That a joint committee consisting of two on the part of the Senate, and three on the part of the House, be appointed to make biennial settlement with the Attorney-General and with the State Librarian, as required by law.

Joint com-  
mittee to  
settle with  
Attorney-  
General and  
Librarian.

*Adopted at Dover, April 24, 1889.*



## RESOLUTIONS.

## CHAPTER 756.

Joint Resolution to pay the Delaware Society for the Prevention of Cruelty to Animals, two hundred and fifty dollars.

*Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

State  
Treasurer  
to pay \$250  
to Society  
for Preven-  
tion of  
Cruelty to  
Animals

That the State Treasurer be and he is hereby directed to pay unto the Treasurer of the Delaware Society for the Prevention of Cruelty to Animals, in aid of the objects of said society, the sum of two hundred and fifty dollars (\$250.00).

*Adopted at Dover, April 24, 1889.*

## CHAPTER 757.

Joint Resolution appointing Directors on the part of the State for the Farmers' Bank of the State of Delaware.

*Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Directors  
appointed.

That the following named persons be and they are hereby appointed Directors of the Farmers' Bank of the State of Delaware, and its branches, on the part of the State, agreeably to the act of the General Assembly in such case made and provided:

For the principal bank at Dover: Peter K. Meredith, John W. Casson, and George H. Gildersleeve;

For the branch at Wilmington: Henry C. Conrad, James Bradford, and William Bowe;

For the branch at New Castle: James T. Eliason, David Boulden, and David W. Elkinton;

For the branch at Georgetown: Samuel H. Messick, Ebe W. Tunnell, and Charles B. Houston.

*Adopted at Dover, April 24, 1889.*

## RESOLUTIONS.

## CHAPTER 758.

## Joint Resolution in regard to Pilots.

WHEREAS, External commerce could not be carried on Preamble. without the services of men brought up to the business of piloting the vessels in which it is conducted to the ports of their destination;

AND WHEREAS, Such services are of a very hazardous nature at all times, obliging those who perform them to go to sea in all weathers, and there remain cruising for inbound vessels who without the skill of the pilots could not safely enter their destined harbors;

AND WHEREAS, On account of the decline in the foreign commerce of the country since the war, the business of piloting has become so reduced in profit that those engaged in it can rarely do more than make a bare living, and most of them have no resources otherwise;

AND WHEREAS, The pilots as a body being necessary to the convenient and safe prosecution of foreign trade, and having to learn their business (which is eminently for the public advantage) under circumstances of great peril and hardships, are in the opinion of this General Assembly fairly entitled to be included in the class of public pensioners, under proper circumstances; therefore,

*Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

That the Senators and Representatives of this State in the Congress of the United States be requested to cause to be offered in one of their Houses, and to advocate a bill to grant pensions to Pilots of Commerce by sea, who may have become disabled while in active discharge of their duty, and to the widows of those who lose their lives therein.

Senators and Representatives in Congress requested to advocate pensions to pilots.

*Resolved*, That a duly certified copy of these Resolutions, under the Great Seal of the State, be forwarded to each of our Senators and to our Representative as aforesaid.

Certified copy authorized sent to Senators and Congressman.

*Adopted at Dover, April 24, 1889.*

## RESOLUTIONS.

## CHAPTER 759.

Joint Resolution appointing a Joint Committee of three on the part of the House and three on the part of the Senate to confer upon House Bill substitute for Senate Bill No. 145, entitled "An Act to provide for the ascertainment of the sense of the people upon the question of calling a Constitutional Convention."

*Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Joint committee appointed on Constitutional Convention bill.

That a joint committee of three on the part of the House, and three on the part of the Senate, be appointed to confer upon House Bill, substitute for Senate Bill No. 145, entitled "An Act to provide for the ascertainment of the sense of the people upon the question of calling a Constitutional Convention."

*Adopted at Dover, April 25, 1889.*

## CHAPTER 760.

Joint Resolution authorizing the Prothonotary of Sussex County to make certain indices.

*Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Prothonotary of Sussex county to make index.

That the Prothonotary of the Superior Court of the State of Delaware, in and for Sussex County, be and he is hereby authorized and directed to make or cause to be made an index, (pursuant to the Campbell's System of Indexing), of all unsatisfied judgments entered or signed in the Superior Court from the sixth day of September, A. D. eighteen hundred and sixty-two (1862) to the present time.

*Resolved further,* That if the Prothonotary of the said Superior Court shall make the index aforesaid then and in that case Charles F. Richards, Charles L. Moore and Alfred

## RESOLUTIONS.

P. Robinson, Esquires, be and they are hereby appointed commissioners, whose duty it shall be to examine said index or indices after the said Prothonotary shall have completed the same, and if they approve of the execution thereof they shall certify on the record their approval; and that then and after each certificate the said index or indices shall become and be the judgment index or indices of the said Superior Court in and for Sussex County aforesaid from the said sixth day of September, A. D. eighteen hundred and sixty-two.

Commissioners to examine index.

*Resolved further,* That the said Prothonotary shall receive for his services in making said index or indices authorized by this act, a just and reasonable compensation to be determined by said commissioners and shall be paid the same so awarded him by said commissioners, by the Levy Court of Sussex County upon having filed with it the certificate of said commissioners of their approval of said index or indices and the sum so awarded to the said Prothonotary.

Compensation for making index.

*Resolved further,* That the said commissioners named in this act shall be allowed a reasonable compensation by the Levy Court of said Sussex County for their services; *Provided,* That the entire cost to the county shall not exceed the sum of one thousand dollars.

Commissioners to be paid for services.

*Adopted at Dover, April 25, 1889.*

## CHAPTER 761.

A Joint Resolution concerning the Baltimore and Philadelphia Railroad Company.

WHEREAS, The Baltimore and Philadelphia Railroad Company, the corporation that has succeeded to all the rights and privileges of the Delaware Western Railroad Company, has been completed and is now in operation through the State and forms a continuous line of railroad from the West to the City of Philadelphia;

Preamble.

AND WHEREAS, By reason of the great cost of construct-

## RESOLUTIONS.

ing and maintaining the said road, it has incurred a large bonded indebtedness and is now being operated at great loss;

AND WHEREAS, The annual tax imposed upon the said railroad company by the Laws of this State, viz.: the act entitled "A Supplement to an act entitled An act to incorporate the purchasers of the Wilmington and Western Railroad," passed at Dover, March 1, 1881, is a large sum of money and more in equity than the said railroad company should at this time pay; now, therefore,

*Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

**State Treasurer authorized to accept \$25,000 in lieu of taxes.**

**Manner of payment.**

**Proviso.**

**Commutation of tax to last for two years.**

That the State Treasurer be and he is hereby authorized, empowered and directed to accept and receive of and from the Baltimore and Philadelphia Railroad Company for the period of two years only, computing such period from the first day of April, A. D. 1889, until the first day of April, A. D. 1891, the sum of twenty-five thousand dollars (\$25,000.00) per annum, in manner following, viz.; The sum of twelve thousand and five hundred dollars (12,500.00) thereof on the first day of October, A. D. 1889; the further sum of twelve thousand and five hundred dollars (\$12,500.00) on the first day of April, A. D. 1890; the further sum of twelve thousand and five hundred dollars (\$12,500.00) on the first day of October, A. D. 1890; and the further and like sum of twelve thousand and five hundred dollars (\$12,500.00) on the first of April, A. D. 1891; which said sums shall be accepted and received in commutation for said period of two years of the taxes which will for that period be due and payable from said company to the State under the provisions of Section 4 of the act entitled "A Supplement to the act entitled An Act to incorporate the purchasers of the Wilmington and Western Railroad," passed at Dover, March 1, 1881; *Provided, however*, that nothing herein contained shall have the effect to alter, modify, qualify or impair the contract created and existing between the said company and the State by the provisions of said Section 4 of the act aforesaid; and shall have no other effect than to provide for commutation of said tax for the said period of two years as herein designated, at the sum of twenty-five thousand dollars per year for each of said years; *And provided further*, that this shall in no wise affect the liability of said company to the assessment and payment of county and municipal taxes as now provided by law.

*Adopted at Dover, April 25, 1889.*

## RESOLUTIONS.

## CHAPTER 762.

Joint Resolution providing means to enable the "State Board of Agriculture" to have printed, bound and distributed 2,000 copies of its reports.

WHEREAS, The "State Board of Agriculture" has made a report to the Governor of this State of the facts, statistics and other data affecting the agricultural interests of this State collected by the said board, which said report has been laid before the General Assembly now in session; Preamble.

AND WHEREAS, The said board believes that it would be of great advantage and benefit to the State, if the said report should be printed, bound and distributed;

AND WHEREAS, The said board through a committee thereof, has asked the General Assembly now in session to appropriate a sum of money sufficient to enable it to have printed, bound and distributed two thousand copies of its said report; therefore,

*Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

That the "State Board of Agriculture" be and it is hereby authorized to have two thousand copies of its said report printed, bound and distributed in such manner as it shall deem proper; and to defray the expenses thereof the said "State Board of Agriculture" is authorized to draw on the State Treasurer for a sum of money not to exceed twelve hundred dollars (\$1200.00). Said money shall be paid on the order of the President of the said State Board of Agriculture, attested by the Secretary thereof.

Two thousand copies of report to be printed.

Authorized to draw on treasurer for amount not to exceed \$1200.

*Adopted at Dover, April 25, 1889.*

## RESOLUTIONS.

## CHAPTER 763.

## Joint Resolution to pay E. T. Cooper.

Preamble. WHEREAS, By Joint Resolution adopted April 20th, 1887, and published on page 498, pamphlet laws of 1887, E. T. Cooper, then Clerk of the House of Representatives, was authorized to arrange in proper shape the disordered bills and petitions and various other papers belonging to the two Houses of the General Assembly;

AND WHEREAS, The said work having been performed by him, which necessitated the examination of numerous papers; therefore,

*Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

That the State Treasurer be and he is hereby authorized to pay to the said E. T. Cooper the sum of one hundred and fifty dollars for his services and labor in said work.

*Adopted at Dover, April 26, 1889.*

## CHAPTER 714.

## Joint Resolution in relation to Insane Hospital.

*Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

That the sum of fourteen thousand dollars be and the same is hereby appropriated for the use and support annually of the "State Hospital for the Insane," in accordance with Section 4 of the act of the General Assembly entitled "An Act in relation to a State Hospital for the Insane," passed at Dover, April 25th, 1889.

*Adopted at Dover, April 26, 1889.*

## RESOLUTIONS.

## CHAPTER 765.

Joint Resolution authorizing State Treasurer to pay certain claims of Book Publishers against the State.

*Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

That the State Treasurer, William Herbert, is hereby authorized and directed to pay certain claims of book publishers for books purchased by the authority of the late Superintendent of Free Schools, without interest, the total amount of the same as stated by the State Treasurer in a report to this General Assembly being six thousand, seven hundred and eighty dollars and eighty-five cents (\$6,780.85).

State Treasurer directed to pay claims for books purchased by late Supt. of Free Schools.

*Adopted at Dover, April 26, 1889.*

## CHAPTER 766.

Joint Resolution relative to payment of claim of Detre and Blackburn for Legislative Supplies for session of 1889.

*Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

That the State Treasurer be and he is hereby authorized to pay to Detre and Blackburn the sum of two thousand, twenty-seven and  $\frac{22}{100}$  dollars for supplies furnished the Legislature for the session of 1889.

State Treasurer authorized to pay for legislative supplies.

*Adopted at Dover, April 26, 1889.*



## RESOLUTIONS.

## CHAPTER 767.

Joint Resolution for the payment of \$50 to E. L. Rice, Architect.

*Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

Fifty dollars appropriated to pay E. L. Rice as architect.

That the sum of fifty dollars be and the same is hereby appropriated and made payable to E. L. Rice, Jr., for his services as architect to the Committee on New State House.

*Adopted at Dover, April 26, 1889.*

## CHAPTER 768.

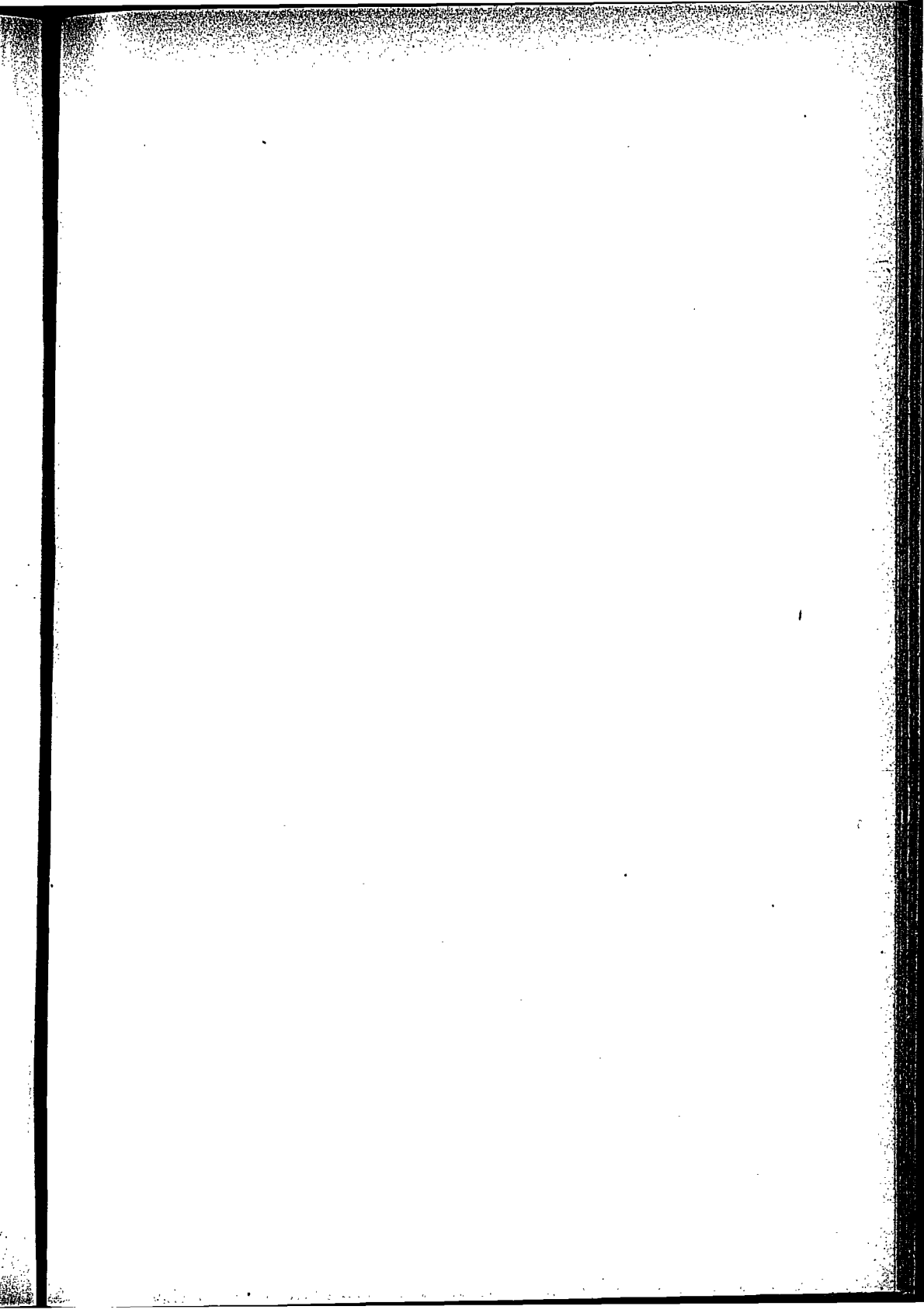
Joint Resolution to pay Frank Whelen for services on Enrollment Committee.

*Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:*

State Treasurer authorized to pay Frank Whelen for his services to committee on enrollment.

That the State Treasurer be and he is hereby authorized and directed to pay the following sum to Frank Whelen for his services to the Committee on Enrolled Bills, viz: One hundred and twenty-five dollars.

*Adopted at Dover, April 26th, 1889.*



## TITLES OF ACTS OF INCORPORATION

## EXCLUDED FROM PUBLICATION

BY ACT OF FEBRUARY 17, 1866.

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## CHAPTER 769.

An Act to re-incorporate "The Newport Building and Loan Association."

Passed at Dover, January 24, 1889.

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## CHAPTER 770.

An Act to renew an act entitled "An act to incorporate 'The Star Loan Association,' of Wilmington, Delaware."

Passed at Dover, January 24, 1889.

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## CHAPTER 771.

An Act to incorporate Morning Star Encampment No. 17, of the Grand United Order Knights of Samaria.

Passed at Dover, Delaware, January 29, 1889.

TITLES OF ACTS OF INCORPORATION.

CHAPTER 772.

An Act to incorporate "The Delaware City Building and Loan Association," of Delaware City, Delaware.

Passed at Dover, Delaware, January 31, 1889.

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CHAPTER 773.

An Act to incorporate Saint Benedict's Beneficial Society, of the city of Wilmington, Delaware.

Passed at Dover, January 31, 1889.

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CHAPTER 774.

An Act to incorporate The Odd Fellows Hall Company, of Wilmington.

Passed at Dover, February 5, 1889.

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CHAPTER 775.

An Act to incorporate the members of the Lenape Steam Fire Engine and Hook and Ladder Co., No. 1, of New Castle, Delaware.

Passed at Dover, Delaware, February 5, 1889.

## TITLES OF ACTS OF INCORPORATION.

## CHAPTER 776.

An Act to incorporate The Cresson Land and Improvement Company.

Passed at Dover, Delaware, February 5, 1889.

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## CHAPTER 777.

An Act to re-incorporate the Washington Steam Fire Engine and Hook and Ladder Company, No. 7, of the city of Wilmington, Delaware.

Passed at Dover, February 6th, 1889.

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## CHAPTER 778.

An Act to amend an act, entitled "An act to incorporate The Vulcanized Fibre Company."

Passed at Dover, Delaware, February 7, 1889.

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## CHAPTER 779.

"An Act to incorporate the Summit Creamery Company."

Passed at Dover, Delaware, February 7, 1889.

TITLES OF ACTS OF INCORPORATION.

CHAPTER 780.

An Act to re-enact the act entitled An act to incorporate Morning Star Lodge No. 6 of the I. O. O. F., at Smyrna, Delaware.  
Passed at Dover, February 8, 1889.

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CHAPTER 781.

An Act to incorporate The Brownson Library Association of the City of Wilmington, Delaware.  
Passed at Dover, Delaware, February 12, 1889.

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CHAPTER 782.

An Act to extend the act entitled "An act to incorporate Crystal Fount Lodge, No. 10, of the Independent Order of Odd Fellows, of Milford, Delaware.  
Passed at Dover, Delaware, February 13, 1889.

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CHAPTER 783.

An Act to incorporate the "Mercantile Printing Company," of Wilmington, Delaware.  
Passed at Dover, February 13, 1889.

## TITLES OF ACTS OF INCORPORATION.

## CHAPTER 784.

An Act to enable the "Pullman's Palace Car Company," a corporation of the State of Illinois to hold and dispose of real estate.

Passed at Dover, February 13, 1889.

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## CHAPTER 785.

An Act to re-incorporate the "Milford Building and Loan Association."

Passed at Dover, Delaware, February 13, 1889.

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## CHAPTER 786.

An Act to incorporate Jefferson Lodge number two of the Independent Order of Odd Fellows, of the State of Delaware.

Passed at Dover, February 14, 1889.

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## CHAPTER 787.

An Act to incorporate the "Gray's Prong Ditch Company," of Gum-boro Hundred, Sussex County.

Passed at Dover, Delaware, February 14, 1889.

TITLES OF ACTS OF INCORPORATION.

CHAPTER 788.

The Wilmington Improvement Co.

Passed at Dover, Delaware, February 14, 1889.

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CHAPTER 789.

An Act for the renewal and extension of the charter of "The Wilmington Steamship Company, of Delaware."

Passed at Dover, Delaware, February 19, 1889.

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CHAPTER 790.

An Act to further extend an act, entitled An act to incorporate Amity Lodge, No. 20, of the Independent Order of Odd Fellows, of Camden, in the State of Delaware.

Passed at Dover, Delaware, February 19, 1889.

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CHAPTER 791.

An Act to incorporate Eden Lodge No. 34, Independent Order of Odd Fellows, of the State of Delaware.

Passed at Dover. February 19, 1889.



## TITLES OF ACTS OF INCORPORATION.

## CHAPTER 792.

"An Act to incorporate the Delmar Union Store Company, Sussex County."

Passed at Dover, Delaware, February 19, 1889.

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## CHAPTER 793.

A supplement to an act to incorporate the "Jackson and Sharp Company," passed at Dover, Feb. 24, 1869.

Passed at Dover, February 21, 1889.

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## CHAPTER 794.

An Act to incorporate the Delaware Live Stock Insurance Company.

Passed at Dover, February 28, 1889.

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## CHAPTER 795.

"An Act to renew the charter of the Citizens' Loan Association, and to amend the same."

Passed at Dover, March 1, 1889.

TITLES OF ACTS OF INCORPORATION.

CHAPTER 796.

An Act for the relief of the Delaware Loan Association in the City of Wilmington.

Passed at Dover, March 6, 1889.

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CHAPTER 797.

"An Act to incorporate Saint Vincent de Paul Society, of the City of Wilmington."

Passed at Dover, Delaware, March 6, 1889.

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CHAPTER 798.

An Act to incorporate the "Stone and Hudson Supply Company."

Passed at Dover, March 6, 1889.

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CHAPTER 799.

An Act to incorporate Washington Circle No. 7, Brotherhood of the Union (H. F.), C. of A., Millsboro, Sussex Co., Delaware.

Passed at Dover, March 7, 1889.

## TITLES OF ACTS OF INCORPORATION.

## CHAPTER 800.

An Act to incorporate "The N. R. Johnson Company."

Passed at Dover, Delaware, March 7, 1889.

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## CHAPTER 801.

An Act to revive and re-enact an act entitled "An act to incorporate Central Lodge No. 10, Knights of Pythias," of the State of Delaware, in the Town of Dover.

Passed at Dover, Delaware, March 8, 1889.

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## CHAPTER 802.

An Act to incorporate "The United Benevolent Sons and Daughters of Harrison Smith."

Passed at Dover, March 8, 1889.

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## CHAPTER 803.

An Act to incorporate the "Builders Exchange, of the City of Wilmington, Delaware."

Passed at Dover, Delaware, March 8, 1889.

TITLES OF ACTS OF INCORPORATION.

CHAPTER 804.

An Act to re-incorporate the "City Market House Company, of Wilmington."

Passed at Dover, March 8, 1889.

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CHAPTER 805.

An Act to re-incorporate "The Brights' and Haynes' Glades Ditch Company."

Passed at Dover, March 12, 1889.

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CHAPTER 806.

An Act to incorporate Georgetown Council No. 12, Order of United American Mechanics.

Passed at Dover, March 12, 1889.

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CHAPTER 807.

An Act for the renewal of the charter of "The Delaware Screw Company."

Passed at Dover, March 12, 1889.

## TITLES OF ACTS OF INCORPORATION.

## CHAPTER 808.

An Act in relation to an act, entitled "An act to incorporate the White Marsh Branch Ditch Company," passed at Dover, April 18th, 1887.

Passed at Dover, March 12, 1889.

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## CHAPTER 809.

An Act to incorporate the Bachelor Boat Club, of Wilmington, Delaware.

Passed at Dover, March 13, 1889.

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## CHAPTER 810.

An Act to incorporate the "Bureau Can Company, No. 1."

Passed at Dover, March 13, 1889.

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## CHAPTER 811.

An Act for the relief of the Diamond State Loan Association.

Passed at Dover, March 13, 1889.

TITLES OF ACTS OF INCORPORATION.

CHAPTER 812.

An Act to revive and re-enact an act, entitled "An act to amend and re-enact the act, entitled 'An act to incorporate Philodemic Lodge, No. 7, of the Independent Order of Odd Fellows, of Dover, in the State of Delaware,' " passed at Dover, February 15, 1849. Passed at Dover, February 8, 1869.

Passed at Dover, Delaware, March 14, 1889.

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CHAPTER 813.

An Act to incorporate the Academy of the Visitation, of Wilmington, Delaware.

Passed at Dover, Delaware, March 14, 1889.

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CHAPTER 814.

An Act to incorporate the "Griggs Electric Air Signal Company."

Passed at Dover, March 14, 1889.

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CHAPTER 815.

An Act to incorporate the Miriam Land and Improvement Company.

Passed at Dover, March 14, 1889.

## TITLES OF ACTS OF INCORPORATION.

## CHAPTER 816.

An Act to incorporate the Ætna Hook and Ladder Company, of Newark, Delaware.

Passed at Dover, March 15, 1889.

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## CHAPTER 817.

An Act to incorporate "The Homeopathic Medical Society of Delaware State and Peninsula."

Passed at Dover, Delaware, March 15, 1889.

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## CHAPTER 818.

An Act, entitled an act to renew and continue in force an act to incorporate German Mutual Beneficial Society, of Wilmington, Delaware, passed at Dover, January 12th, 1877.

Passed at Dover, Delaware, March 18, 1889.

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## CHAPTER 819.

An Act to incorporate the Farmers' and Mechanics' Manufacturing and Improvement Company.

Passed at Dover, March 19, 1889.

TITLES OF ACTS OF INCORPORATION.

CHAPTER 820.

An Act to incorporate Lincoln Lodge No. 3, Knights of Pythias, of the State of Delaware, in the City of Wilmington.

Passed at Dover, March 22, A. D. 1889.

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CHAPTER 821.

An Act to incorporate the Citizens' Building and Loan Association, of New Castle, Delaware.

Passed at Dover, March 22, 1889.

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CHAPTER 822.

An Act for the renewal of the charter of the Christiana Iron Company.

Passed at Dover, March 22, 1889.

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CHAPTER 823.

An Act to incorporate the "National Security Life Insurance Company."

Passed at Dover, March 25th, A. D. 1889.



## TITLES OF ACTS OF INCORPORATION.

## CHAPTER 824.

An Act for the renewal of the charter of "The Morris Branch and Beaver Branch Banking Company."

Passed at Dover, Delaware, March 28, 1889.

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## CHAPTER 825.

An Act to incorporate the Knights of Pythias Hall Company, of Wilmington, Delaware.

Passed at Dover, Delaware, April 1, 1889.

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## CHAPTER 826.

An Act to revoke the charter of the Dean Woolen Company, and to provide for winding up the affairs thereof.

Passed at Dover, April 1, 1889.

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## CHAPTER 827.

A supplement to an act entitled An act to incorporate the Delaware Screw Company, passed at Dover, March 16, 1869.

Passed at Dover, April 3, 1889.

TITLES OF ACTS OF INCORPORATION.

CHAPTER 828.

An Act to amend an act to incorporate the Delaware Live Stock Insurance Company, passed at Dover, Delaware, Feb'y 28th, 1889.

Passed at Dover, Delaware, April 4, 1889.

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CHAPTER 829.

An Act to amend "An act to incorporate The William Lea and Sons Company."

Passed at Dover, April 4, 1889.

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CHAPTER 830.

An Act to incorporate the Bear Hole Ditch Company, in Baltimore Hundred, Sussex County, Delaware.

Passed at Dover, April 4, 1889.

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CHAPTER 831.

An Act to incorporate "Townsend Creamery Company."

Passed at Dover, April 5, 1889.

## TITLES OF ACTS OF INCORPORATION.

## CHAPTER 832.

An Act to incorporate the Leipsic Creamery Association.

Passed at Dover, April 9, 1889.

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## CHAPTER 833.

An Act to incorporate "Windsor Lodge, No. 32, Order Sons of St. George."

Passed at Dover, April 9, 1889.

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## CHAPTER 834.

An Act to incorporate Columbia Lodge, No. 26, I. O. O. F., of the City of Wilmington, in the State of Delaware.

Passed at Dover, April 9, 1889.

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## CHAPTER 835.

An Act to incorporate the McDonough Creamery Company.

Passed at Dover, April 10, 1889.

TITLES OF ACTS OF INCORPORATION.

CHAPTER 836.

An Act to incorporate the Reilly Lyceum Association, of the City of Wilmington, Delaware.

Passed at Dover, April 10, 1889.

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CHAPTER 837.

An Act to incorporate the "Marshallton Iron Works."

Passed at Dover, April 10, 1889.

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CHAPTER 838.

An Act to incorporate Wilmington Division, No. 224, Order of Railway Conductors.

Passed at Dover, April 10, 1889.

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CHAPTER 839.

An Act to incorporate the "Hilles and Jones Company."

Passed at Dover, April 12, 1889.

## TITLES OF ACTS OF INCORPORATION.

## CHAPTER 840.

An Act to amend an act, entitled "An act to incorporate 'The Peninsula Agricultural and Pomological Association,' " being Chapter 120, Volume 15, Laws of Delaware.

Passed at Dover, April 12, 1889.

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## CHAPTER 841.

An Act to amend the charter of the Wilmington Basket and Crate Company, of Wilmington, Delaware.

Passed at Dover, April 12, 1889.

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## CHAPTER 842.

An Act to incorporate 'The Connell Car Heating Company.

Passed at Dover, April 12, 1889.

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## CHAPTER 843.

An Act to incorporate "The Crane Swamp Ditch Company."

Passed at Dover, April 15, 1889.

TITLES OF ACTS OF INCORPORATION.

CHAPTER 844.

An Act to amend and supplement an act entitled "An act to incorporate the Georgetown Building and Loan Association of Georgetown, Delaware," passed at Dover, March 12, 1885.

Passed at Dover, April 16, 1889.

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CHAPTER 845.

An Act to enable the Diamond Match Company to hold real estate.

Passed at Dover, April 17, 1889.

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CHAPTER 846.

An Act to incorporate "The Smith Manufacturing Company."

Passed at Dover, April 18, 1889.

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CHAPTER 847.

An Act to incorporate the Selbyville Lumber and Box Company.

Passed at Dover, April 18, 1889.

## TITLES OF ACTS OF INCORPORATION.

## CHAPTER 848.

A supplement to the act, entitled An act to incorporate the Nonsuch Marsh Company, passed at Dover, March 20, 1877.

Passed at Dover, April 18, 1889.

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## CHAPTER 849.

An Act to incorporate "The Seaford Building and Loan Association."

Passed at Dover, April 18, 1889.

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## CHAPTER 850.

An Act to incorporate the Delaware and New England Company.

Passed at Dover, April 18, 1889.

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## CHAPTER 851.

An Act to incorporate the Delaware Land and Improvement Company.

Passed at Dover, April 18, 1889.

TITLES OF ACTS OF INCORPORATION.

CHAPTER 852.

An Act to incorporate the Odessa Creamery Company.

Passed at Dover, April 19, 1889.

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CHAPTER 853.

An Act to incorporate "The People's Building and Loan Association, of Dover."

Passed at Dover, April 22, 1889.

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CHAPTER 854.

An Act to revive and renew the act entitled "An act to incorporate the Wilmington Steam Brick Manufacturing Company."

Passed at Dover, April 23, 1889.

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CHAPTER 855.

An Act to incorporate the "Alvin R. Morrison Company."

Passed at Dover, April 23, 1889.



## TITLES OF ACTS OF INCORPORATION.

## CHAPTER 856.

An Act to incorporate "The Equitable Guarantee and Trust Company."

Passed at Dover, April 23, 1889.

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## CHAPTER 857.

An Act to incorporate the Muddy Branch Ditch Company, of Little Creek Hundred.

Passed at Dover, April 23, 1889.

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## CHAPTER 858.

An Act to re-incorporate the Broadkiln Hundred Building and Loan Association, of Milton, Delaware.

Passed at Dover, Apr. 23, 1889.

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## CHAPTER 859.

An Act to incorporate the Spalding Telegraph Company.

Passed at Dover, April 23, 1889.

TITLES OF ACTS OF INCORPORATION.

CHAPTER 860.

An Act to incorporate Enterprise Real Estate Improvement Company.  
Passed at Dover, April 23, 1889.

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CHAPTER 861.

An Act to re-enact the act entitled, An act to incorporate LaFayette Lodge, No. 2, Knights of Pythias, of the State of Delaware, in the City of Wilmington, passed at Dover, January 19th, 1869.  
Passed at Dover, April 24, 1889.

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CHAPTER 862.

An Act to incorporate the Catholic Hall Company, of Wilmington, Delaware.  
Passed at Dover, April 24, 1889.

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CHAPTER 863.

An Act to re-enact an act entitled An act to incorporate Excelsior Lodge No. 7, Knights of Pythias, of the State of Delaware, in the City of Wilmington, passed at Dover, Jan. 26th, 1869.  
Passed at Dover, April 24, 1889.

## TITLES OF ACTS OF INCORPORATION.

## CHAPTER 864.

An Act to renew the charter of Morning Star Lodge No. 9, Knights of Pythias.

Passed at Dover, April 24, 1889.

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## CHAPTER 865.

An Act to incorporate "The Delaware Stock Farm Company."

Passed at Dover, Apr. 24, 1889.

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## CHAPTER 866.

An Act to incorporate the Peninsular Investment Company.

Passed at Dover, April 24, 1889.

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## CHAPTER 867.

A supplement to the act entitled "An act to incorporate 'The Equitable Guarantee and Trust Company.'"

Passed at Dover, April 25, 1889.

TITLES OF ACTS OF INCORPORATION.

CHAPTER 868.

An Act to amend an act entitled "An act to incorporate the Collins' Beach Meadow Company."

Passed at Dover, April 25, 1889.

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CHAPTER 869.

An Act to change the name of "Hollis and Hearn Manufacturing Company."

Passed at Dover, April 25, 1889.

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CHAPTER 870.

An Act to incorporate the Frankford Manufacturing and Fruit Preserving Company.

Passed at Dover, April 25, 1889.

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CHAPTER 871.

An Act to incorporate the Dover Creamery Company.

Passed at Dover, April 25, 1889.

## TITLES OF ACTS OF INCORPORATION.

## CHAPTER 872.

The Home Improvement Company.

Passed at Dover, April 25, 1889.

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## CHAPTER 873.

An Act to incorporate "The Sussex Land and Cattle Company."

Passed at Dover, April 25, 1889.

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## CHAPTER 874.

An Act to incorporate the Delaware Finance Company.

Passed at Dover, April 25, 1889.

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## CHAPTER 875.

An Act to incorporate the Delaware Improvement Company, of Wilmington.

Passed at Dover, April 26, 1889.

TITLES OF ACTS OF INCORPORATION.

CHAPTER 876.

An Act to authorize the Directors of the Smyrna Creamery Association to increase its capital stock.

Passed at Dover, April 26, 1889.

## TITLES OF PRIVATE ACTS.

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### CHAPTER 877.

An Act to divorce Cora Alexander from her husband Moses C. Alexander, *a vinculo matrimonii*, and to change her name.

Passed at Dover, January 31, 1889.

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### CHAPTER 878.

An Act to divorce Rebecca S. Kirby and Richard Kirby from the bonds of matrimony.

Passed at Dover, February 5, 1889.

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### CHAPTER 879.

An Act to divorce Ida Waitneight from her husband, William Franklin Waitneight.

Passed at Dover, February 7, 1889.

TITLES OF PRIVATE ACTS.

CHAPTER 880.

An Act to divorce Emma Barker from her husband John Barker.

Passed at Dover, February 7, 1889.

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CHAPTER 881.

An Act to divorce Elizabeth D. Davidson from Frank E. Davidson, her husband.

Passed at Dover, Delaware, February 8, 1889.

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CHAPTER 882.

An Act to divorce John P. Deputy and Mary J. Deputy from the bonds of matrimony.

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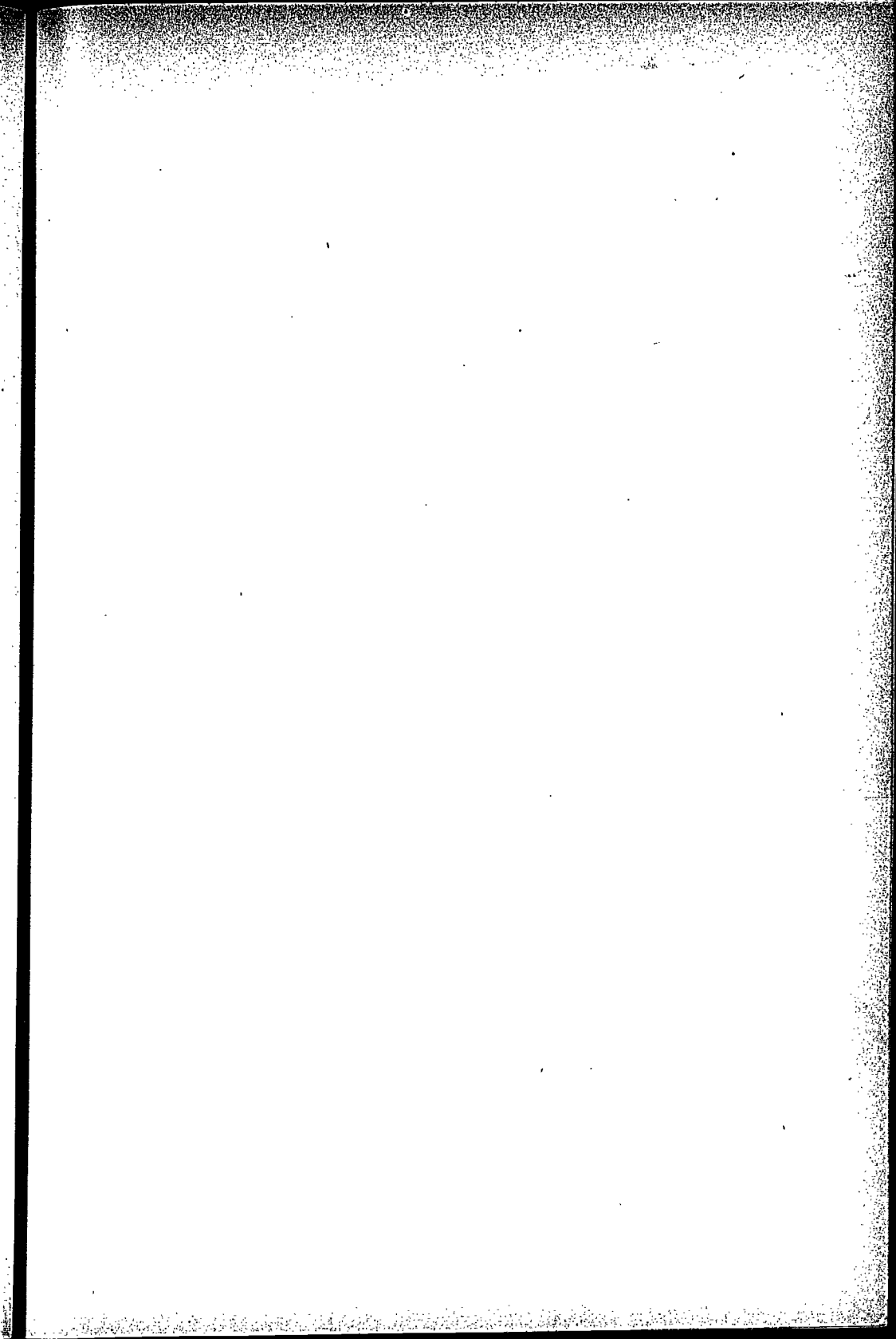
Passed at Dover, April 25, 1889.

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SECRETARY'S OFFICE,

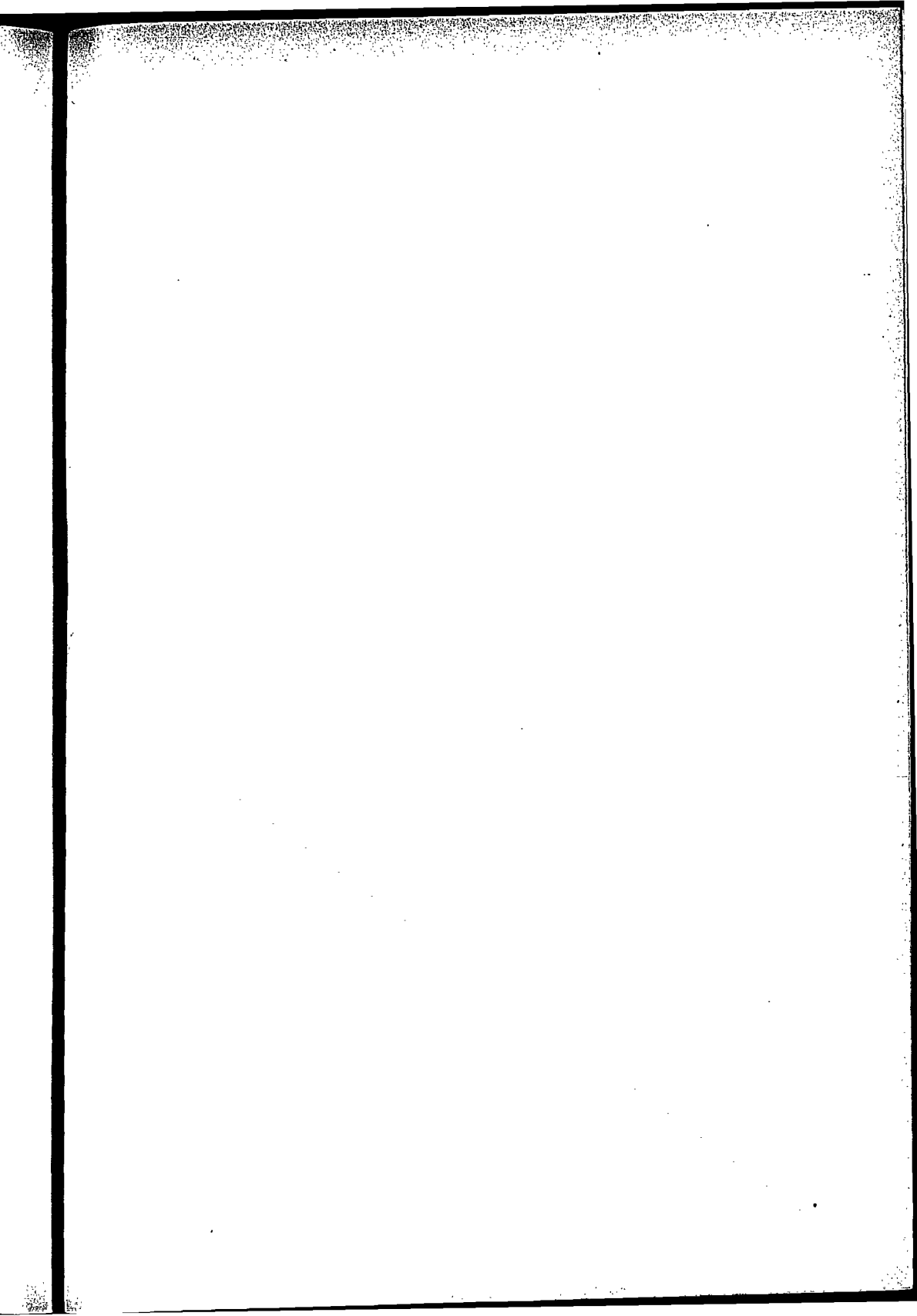
DOVER, August 10, 1889.

In obedience to directions of Chapter 4, of the Revised Code, entitled "Of the Passing and Publication of Laws and Journals," I have collated with and corrected by the original rolls now in this office and caused to be published this edition of the Laws of the State of Delaware, passed by the General Assembly at the regular biennial session, commenced on Tuesday, the first day of January, A. D. 1889.

Words and sentences noted with asterisks are printed as they appear on the rolls.

JOHN F. SAULSBURY,

*Secretary of State.*



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